

United States
Circuit Court of Appeals
For the Ninth Circuit.

ALASKA JUNEAU GOLD MINING COMPANY,
a Corporation,

Appellant,

vs.

EBNER GOLD MINING COMPANY, a Corporation, THE ALASKA-EBNER GOLD MINES COMPANY, a Corporation, ANGUS MACKAY, as Receiver for THE ALASKA-EBNER GOLD MINES COMPANY, a Corporation, and DOWNIE D. MUIR, -

Appellees.

Transcript of Record.

VOLUME VI.

(Pages 2049 to 2400, Inclusive.)

Upon Appeal from the United States District Court for the
District of Alaska, Division No. 1.

Filed

JUL 1 - 1916

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ALASKA JUNEAU GOLD MINING COMPANY,
a Corporation,

Appellant,

vs.

EBNER GOLD MINING COMPANY, a Corporation, THE ALASKA-EBNER GOLD MINES COMPANY, a Corporation, ANGUS MACKEY, as Receiver for THE ALASKA-EBNER GOLD MINES COMPANY, a Corporation, and DOWNIE D. MUIR,

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Upon Appeal from the United States District Court for the
District of Alaska, Division No. 1.

Locator.	Location.	Date of Location.	Date of Record.	Where Recorded.
Walter Pierce	600" E. Branch Gold Creek	Apl. 18, 1882	Apl. 18, 1882	2 Plac. 94 (AB)
John Dix	500" N. E. branch Gold Creek	May 8, " "	May 14, " "	" " 98 (AB)
Ed. Latoun	100" Quartz Gulch	June 1, " "	June 3, " "	" " 104 (AB)
J. D. Sagemiller	All water in Johnson Gulch	" 8, " "	" 8, " "	" " 105 (XB)
John Jackson	200" 1st gulch below Snow Slide G.	" 8, " "	" 9, " "	" " 106 (XB)
Jas. Fallon	300" Ice Gulch	Sept. 31, 1881	" 13, " "	" " 107 (XO)
Nath Hilton & G. E. Pelz	2000" Gold Creek	June 17, 1882	" 17, " "	" " 108 (AB)
M. Powers	300" " "	" 12, " "	" 20, " "	" " 110 (XB)
John Prior & Co.	300" Ready Bullion Creek	" 26, " "	" 26, " "	" " 111 (XB)
John Greery	Gold Creek Lone Star	July 3, " "	July 4, " "	" " 115 (AB)
Thomas & Allen	2000 Greery Gulch	" 13, " "	" 13, " "	" " 116 (AB)

Locator.	Location.	Date of Location.	Date of Record.	Where Recorded.
F. Kakelday	200" Ice Gulch	" 21,	" 23,	" 120(AB)
P. Charlot	200" Speciman Gul	" 24,	" 31,	" 122(AB)
P. Wiberg	200" Ice Gulch	Aug. 14,	Aug. 19,	" 127(AB)
G. W. Packett & S. Lewis	1000" Ready Bullion Creek	" 19,	" 20,	" 129(AB)
Frank McMahon	200" Ice Gulch	" "	Aug. 25,	" 132(A)
N. H. Sylvies for Perseverance Hill Co.	200" Gold Creek	Sept. 4,	Sept. 4,	" 135(AB)
H. Borni et al	200" Snow Slide Gulch	Aug. 31,	" 9,	" 137(AB)
Damcety Sokol off & Co.	150" Abandoned Gulch	Sept. 16,	" 16,	" 137(AB)
M. Powers	500" Blek Bear Cr.	" 12,	" 21,	" 138(AB)
M. Powers	400" Glacier Cr.	" 12,	" 21,	" 138(AB)
M. Powers	400" Dicks Gulch	" 20,	" 29,	" 139(AB)

[1867]

Locator.	Location.	Date of Location.	Date of Record.	Where Recorded.
G. R. Rogers et al	800" Gold Creek	Sept 30, 1882,	Oct. 3, 1882,	2 Plac. 141 (AB)
P. Cloudman et al	700" Gold Creek	" 28	" 6	" " 143 (AB)
S. T. McMahon	200" Paris Creek	Oct 3	" 9	" " 144 (AB)
& A. Visailia	1000" Auk Creek	" 17	" 19	" " 149 (AB)
Walter Pierce	Douglas Island	" 28	" 28	" " 154 (XB)
K. Morris &	700" Auk Creek	Dec 4	Dec 28	" " 159 (AO)
C. Babbit	250" Bear Gulch			
P. Starr	Douglas Island			
	Summary for year 1882			
	A X B O			No date of Location
	27 6 27 5			1
Total No. of Notices				
33				

Locator.	Location.	Date of Location.	Date of Record.	Where Recorded.
M. Dunn & F. Mahoney	300" Bear Creek	Mar. 19, 1883,	Mar. 19, 1883	2 Plac. 162 (AB)
M. Powers	400" Dix Gulch	Apl. 23, "	Apl. 30 "	" " 168 (AB)
Fred Martin & Jos. Cassett	100" Martin Gulch			
	Silver Bow, Gold creek	May 1 "	May 1 "	" " 169 (AB)
Harry Roberts & W. Simmons	200" Roberts Gulch			
J. B. Hugo for Perseverance Co.	Harris Mining Dis.	May 2 "	May 2 "	" " 171 (AB)
Fred Martin et al	150"—Gulch	Apl 28 "	Ap 3 "	" " 171 (AB)
Henry Roberts	300"—Gulch	May 5 "	" 7 "	" " 173 (AB)
P. Harrison.	200"—Gulch	" 8 "	" 8 "	" " 174 (AB)
	200" Geary Gulch			
	Gold Creek	" 10 "	" 19 "	" " 177 (AB)
H. Bowerman & Wm Bailey	-100" Abandoned	" 25 "	" 25 "	" " 180 (AB)
E. A. Evans et al	All of Woods Gulch	" 29 "	" 31 "	" " 181 (AB)
Jos. B. Hugo	250" Granite Gulch	June 22 "	July 1 "	" " 188 (AB)

Locator.	Location.	Date of Location.	Date of Record.	Where Recorded.
W. L. Lurvey & E. O. Decker M. W. Murray	200" Glacier Gulch. All Big Creek	Aug. 11, 1883	Aug. 12, 1883	2 Plac. 192 (AB)
	Douglas Island	" 28	" 28	" " 194 (XB)
V. J. Sagemiller R. Michaelson & F. Miller Neil McLeod & John Leary J. McCormack et al	Taku Mine 200" Paris Creek Douglas Island	Sept 5	Sept 6	" " 195 (AB)
		Oct 19, 1882	" 18	" " 197 (AO)
	J. A. Gulch 600" Bear Creek	Sept. 14, 1883	" 23	" " 197 (AB)
	Douglas Rec. Dist.	June 3, "	Oct 18	" " 201 (XO)
	Summary for year 1883			
	A X B O			No date of Location
Total Number of Notices	15 2 15 2			
	17			

Locator.	Location.	Date of Location.	Date of Record.	Where Recorded.
M. Powers	1500" Granite Gulch	Apl. 4, 1884	Apl. 12, 1884	2 Plac. 203 (XB)
M. Powers	1000" Gold Creek	" 8,	" 14,	" " 203 (XB)
S. Mahon	1500" N. Fork Gold Creek	Oct. 2, "	Oct. 9,	" " 217 (XB)
Peter Bulger et al	1500" Granite Gulch	Sept. 30, "	" 1,	" 3 " 1 (XB)
G. Pickett	All Beer Creek Douglas Island	" 29, "	" "	" " 1 (AB)
Summary for year 1884				
Total Number of Notices.	A	X	B	O
	5	4	5	0
	No date of location			
Ed. Aylnaid	1000" Douglas Creek	Dec. 29, 1884	Jan. 20,	1885 3 Plac. 4 (XO)
J. McLaughlin & W. McMahon	1000" Grant Creek Douglas	" " "	" " "	" " 5 (XO)

[1857]

Locator.	Location.	Date of Location.	Date of Record.	Where Recorded.
P. Starr & W. F. Reed	500" Bullion Cr.	Jan. 2, 1885	Jan. 20, 1885	3 Plac. 5 (AO)
S. O. Wheelock	300" Harper Cr. Douglas	May 20, "	May 21, "	" " 7 (XB)
S. Wheelock & D. Flannery	800" Harper Cr.	" " "	" " "	" " (XB)
S. Wheelock & D. Flannery	500" " "	" " "	" " "	" " 8 (XB)
M. A. Hay	5000" Gold Cr.	" 18, "	" 25, "	" " 8 (AB)
A. T. Lewis & Henry States	15000" Gold Cr.	June 26, "	June 26, "	" " 12 (XB)
A. T. Lewis & Henry States	1500" Silver Cr.	" 27, "	" 27, "	" " 13 (XB)
J. G. Smith & J. G. Heid	150" — Douglas Island	July 30, "	Aug. 18, "	" " 19 (AO)
G. W. Garside.	2000" Gold Cr.	Aug 24, "	" 24, "	" " 20 (AB)
A. T. Ellis et al.	150 — Douglas Island	" 14, "	" 26, "	" " 24 (AO)
A. T. Ellis et al.	150" Douglas Island	" " "	" " "	" " 25 (AO)
G. E. Pickett	" " "	" 13, "	" " "	" " 26 (AO)
	all Fish creek			
	Douglas Island	" 25, "	" 27, "	" " 27 (AB)
Summary for year 1885				
Total Number of Notices	A X B O	No date of location		
15	8 7 8 7			

Locator.	Location.	Date of Location.	Date of Record.	Where Recorded.
N. Bennett	1000" Granite Cr.	June 11, 1886	June 19, 1886	Plac. 54 (AB)
J. Johnson	All Gold Creek	" 28,	" 28,	" 56 (XB)
Wm. Lawson	400" Bear Creek	July 7,	July 7,	" 57 (XB)
	Douglas Island	" 18,	" 23,	" 59 (AB)
Frank Mahony & G.	400" Bear Creek	Sept. 20,	Sept. 21,	" 62 (AB)
Beaumont	D. Island			
B. F. Nowell	500" Grant Creek			
[1858]				

Locator.	Location.	Date of Location.		Date of Record.	Where Recorded.
B. F. Nowell	500" Grant Creek	Sept. 20, 1886		Sept. 21, 1886	3 Plac. 63 (AB)
Total No. of Notices		Summary for year 1886.			
6		A	X	B	O
		4	2	6	No date of Location
G. Beaumont & H. Adams	Bear Creek	Jan. 1, 1887	Jan. 10, 1887	3 Plac.	82 (AB)
S. Lewis et Phil Starr	J. A. Gulch	Nov. 23, 1886	" 31,	" "	84 (AO)
F. Mahony & C. Beaumont	Douglas Island All Falls A. M. & M. Co sawmill	Feb. 17, 1887	Feb. 17,	" "	84 (AB)
L. Nado & H. Head	all—				
N. Linham	Sheep Creek	Apl. 18, "	Apl. 18,	" "	85 (AB)
Bob Dunn	all Bullion	" 23	" 23,	" "	87 (AB)
Pat McClinchy	300" Ice Gulch	May 13	May 13	" "	88 (XB)
& Tom McCully	Salmon Creek	" 27	" 27	" "	89 (AB)
Wm. McLernon et al	Douglas I. all—	June 4	June 18	" "	91 (AO)

Locator.	Location.	Date of Location.	Date of Record.	Where Recorded.
Pat McClinchy & C. Forrest M. J. Cohen et al.	1000" Nevada Cr. all Moran Gulch (Idaho Lode) All Mullin Cr. 800" Gold Creek	May 5 June 15 " " Sept. 5	" 24 " 25 " 25 Sept. 6	" " " " " " " " 92 (XO) 92 (AB) 93 (XB) 96 (AB)
M. J. Cohen et al. G. Harkrader et al T. S. Nowell & F. H. Nowell T. S. Nowell & F. Nowell The Alaska Union M. Co. by T. Nowell, Pres.	5000" Gold Creek 5000" Salmon Cr. 10000" "	" 17 " 27 Oct. 18	" 27 " 28 Oct. 27	" " " " " " " " 99 (AB) 100 (AB) 102 (AB)

[1859]

Locator.	Location.	Date of Location.	Date of Record.	Where Recorded.
L. Thorp & B. E. Haney	1000" Nevada Cr.		Dec. 27, 1887	3 Plac. 106 (X)
	Total Number of Notices	Summary for year 1887.		No date of location
		A X B O		1
J. G. Heid	16 10000" Fall River	12 4 12 3		
T. Nowell	Taku Inlet		March 2, 1888,	16, 1888 3 Plac 133 (AO)
C. F. Depen,	500" Gold Cr.		May 17 " "	" " 144 (AO)
Agt. for Eastern Alaska M. Co.	1500" Sheep Cr.		June 5 " "	" " 152 (AB)
W. C. Boyd & E. A. Anland	All Nevada "		May 31 " "	" " 154 (XO)
Pat McClinchy & T. McCully	2000" Gold "		July 21 " "	" " 155 (XB)
T. Nowell	500" " "		Aug. 9 " "	" " 156 (AB)
Sam Coulter	700" Gold "		Nov. 15 " "	" " 168 (AB)
	Total Number of Notices	Summary for year 1888.		No date of location
		A X B O		
	7	5 2 4 3		

Locator.	Location.	Date of Location.	Date of Record.	Where Recorded.
S. Howorth & E. Van Buren	5000" Salmon Cr.	Jan. 1, 1889	Jan. 10, 1889	3 Plac. 171 (XB)
B. Nowell	300" Cowee	Feb. 19 "	Feb. 22 "	" " 176 (XB)
L. Williams & A. Howard	1500" Sheep Cr.	" 18 "	" 22 "	" " 178 (AB)
F. Burfeind	10000" Lemon	" 23 "	" 25 "	" " 179 (AB)
F. "	10000" "	" 19 "	" 25 "	" " 180 (AB)
H. Boursin	6000" "	" 18 "	Mar. 1 "	" " 181 (AB)
F. Raynods & A. T. Anderson	All Sheep	Mar. 2 "	" 21 "	" " 199 (XO)

[1860]

Locator.	Location.	Date of Location.	Date of Record.	Where Recorded.
L. Peterson	All water flowing over lot 8 Bl 114 Town of Juneau	May 1, 1890	May 1, 1890 + Plac	1 (AB)
F. Reynolds	1000" Sheep Creek	" 5	" 13	2 (AB)
P. McClinchy et al [1861]	1000" Gold Creek	" 24	" 28	5 (AB)

Locator.	Location.	Date of Location.	Date of Record.	Where Recorded.
G. Beaumont & Wm McLernon	All on Sheep Cr. H. M. D.	Sept. 3, 1890	Sept. 6, 1890	4 Plac. 73 (AB)
G. Beaumont & Wm McLernon	" " "	" " "	" " "	" " 74 (AB)
Wm. Nelson	3000" Gold Creek	" 2, "	" 9, "	" " 76 (AB)
J. F. Malony et al	1000" Summit John Dix Gulch Basin H. M. D.	Oct. 4, "	Oct. 6, "	" " 98 (XB)
A. K. Delaney & A. Anderson	700" Sheep Cr.	Sept. 30 "	Sept. 30, "	" " 118 (AB)
Total Number of Notices	Summary of year 1890	Sept. 30 "	No date of location	0
	A B	X O		
	7 8	1 0		
	8			

Locator.	Location.	Date of Location.	Where Recorded.	Date of Record.
F. B. Corwin	1000" Spruce Cr.			
	Summit Loc. Juneau	Mar. 11, 1891	Mar. 24, 1891	4 Plac. 155 (AO)
	R. D.	May 9, "	May 9, "	" " 157 (AB)
A. Johnson et al	1000" Nevada Cr.	" 28, "	June 25, "	" " 171 (XO)
A. M. Noyes	100" Sheep "	July 19, "	July 24, "	" " 183 (AB)
R. F. Lewis	1000" McGinnis "	" 20, "	" 25, "	" " 185 (AB)
J. Galligan & B. Galligan,	100" Ice Gulch	Aug. 27 "	Sept. 8 "	" " 225 (XO)
J. Peterson	1000" Grindstone			
Ed Webster & W. A. Sanders	Taku Inlet	Sept. 21 "	" 22 "	" " 227 (AB)
W. Fleming	All Gold Creek	Oct. 20 "	Oct. 22 "	" " 233 (AB)
Eastern Alaska M&M Co. by W. M. Ebner, Agt.	1000" Granite "			
	1500" Gold Creek			
		Dated Dec. 1.		
		Nov. 27 "	Dec. 8 "	" " 251 (AB)
		Summary for year 1891		
		A X B O		No date of Location
		7 2 6 3		
Total Number of Notices				
[1862]	9			

Locator.	Location.	Date of Location.	Date of Record.	Where Recorded.
W. W. Fish	500" Bear Creed			
The Nowell G. M. Co. by F. D. Nowell, atty.	Fisher Lode H. M. D.	Oct. 22, 1891	Apr. 5, 1892	4 Plac. 256 (AO)
	1000" Granite Cr.	July 5, 1892	July 15, 1892	" " 274 (AB)
The Nowell G. M. Co. by F. D. Nowell, atty.	200" Gold	Sept. 1 " "	Oct. 6 " "	" " 279 (AO)
Summary for year 1892.				
Total Number of Locations		A	X	B
3		3	0	1
				2

2066 *Alaska-Juneau Gold Mining Company vs.*

Locator.	Location.	Date of Location.	Date of Record.	Where Recorded.
A. Campbell	200" Ice Gulch	May 19, 1893	May 19, 1893	4 Plac. 282 (AB)
Alaska P & I Co. by H. Cryder & T. Douglas agts.	1000" Grindstone creek	—	" 24	" " 283 (X)
J. McDonald & Wm Gilbert	500" Rine Creek	May 24,	June 13	" " 286 (AB)
W. M. Ebner	N. Taku Inlet	" 23	" 14	" " 287 (AO)
Juneau M & M Co. by W. M. Ebner, Supt.	1000" Gold Creek			
R. F. Lewis	500" Ground Hog Gulch	June 19	" 19	" " 289 (AB)
	All Water from tun- nel west side Gold Creek			
T. Nowell	1000" Gold Creek	Aug. 11	Aug. 11	" " 299 (AB)
C. Coon & G. H. Church	100" Gold Creek	" 12	" 12	" " 302 (AB)
Nowell G. M. Co. by F. D. Nowell	Juneau Public	Oct. 4	Oct. 4	" " 307 (AB)
	200" Granite Cr.	Aug. 19	Dec. 19	" " 315 (AO)
Summary for year 1893				
		A	X	B
Total Number of Notices		8	1	6
		9		2
[1863]		No date of location		
		1		

Locator.	Location.	Date of Location.	Date of Record.	Where Recorded.
F. Hammond	1000" Gold Creek	Apr. 17, 1894	Apr. 17, 1894	4 Plac. 318 (AB)
J. Jorgenson et al.	" "	" 26	" "	" " 320 (AB)
Alaska Electric L. & Power Co., by F. D. Kelsey	500" Gold	May 22	May 25	" " 321 (AB)
C. E. Coon & G. H. Church	500" "	June 1	June 14	" " 325 (AB)
R. T. Lewis	200" "	_____	" 25	" " 329 (A)
Alaska Elec. L. & P. Co. by F. D. Kelsey	500" "	July 5	July 6	" " 330 (AB)
A. Lillestrand & A. Ohm	All Little Snow Slide Creek	June 27	" 2	" " 333 (XB)
Anton Marks et al.	1000" Nevada Cr.	Aug. 6	Aug. 13	" " 348 (XB)
A. W. Corbus	1500" Sheep	Oct. 17	Oct. 18	" " 349 (AB)
David Wallace	400" Grouse Gulch			
E. O. Sylvester	Silver Bow Basin	" 18	" 22	" " 350 (AB)
A. Burns	1000" Sheep Creek	" 22	" 23	" " 352 (AB)
Wm. Nelson et al.	All _____	Nov. 16	Nov. 16	" " 360 (AB)
B. M. Smith & F. D. Kelsey	1500" Gold	" 21	Dec. 3	" 5 1 (AO)
	2000" Salmon "	Dec. 15	" 18	" " 4 (AB)
Summary of year 1894.				
Total Number of Notices	A	X	B	O
	12	2	12	1
14				No date of location
				1

Locator.	Location.	Date of Location.	Date of Record.	Where Recorded.
D. Figzsimons et al.	5000" Grindstone Creek	Jan. 1, 1895	Jan. 8, 1895	5 Plac. 15 (AB)
S. S. Watson	100" ——— Creek	Mar. 11	Mar. 11	" " 16 (AB)
S. S. Watson	Douglas Island	" "	" "	" " 17 (AB)
The Juneau Manf. by L. Shinn	100" ——— Spring	May 14	May 15	" " 26 (AB)
Juneau Manf. Co. by L. Shinn	400" Ice Gulch	" 19	" 20	" " 28 (AB)
[1864]	300" " "			

Locator.	Location.	Date of Location.	Date of Record.	Where Recorded.
R. F. Lewis for Ju- neau Manf. Co.	50" Snow Slide & Ice Creek	May 29, 1895	May 30, 1895	5 Plac. 30 (AB)
Henry P. Hill	Gold Creek	June 10, "	June 10, "	" " 41 (AB)
G. W. Shinn for Ju- neau Manf. Co.	400" Ice Gulch	" 9, "	" 11, "	" " 42 (AB)
Wm. C. Boyd	300" Mineral King Creek	July 22, "	Aug. 15, "	" " 62 (XO)
Mrs. Sadie Martin	Juneau	Aug. 19, "	Aug. 19, "	" " 69 (AB)
Wm. Brunn & S. A. Von Gunther	100" ——— Douglas Island	Nov. 22, "	Nov. 23, "	" " 79 (AB)
W. J. Webster	All water from spring on Hum- bolt lode claim	Dec. 19, "	" " "	" " 80 (A)
Summary of year 1895		A	X	B
Total Number of Notices		11	1	No date of Location
12				1

Locator.	Location.	Date of Location.	Date of Record.	Where Recorded.
Wm. Douglas	1000" Cowee Creek	Jan. 15, 1896	Jan. 15, 1896	5 Plac. 82 (XB)
E. L. C. De La Pole	Douglas Island			
" " "	40" Sheep Creek	Nov. 12, 1895	Feb. 1,	" " 85 (XO)
" " "	H. M. C. "	" "	" "	" " "
N. Ward et al	300" Regan Creek			
	Sheep Creek B	Feb. 8, 1896	" 28,	" " 86 (AO)
C. Johnson & John G. Heid	1500" Salmon Creek	Mar. 9, "	Mar. 19,	" " 88 (AB)
A. Murray	H. M. D.			
Nowell G. M. Co by	100" Bear	" 24, "	Apr. 11,	" " 90 (AO)
F. D. Nowell agt	" "			
Wm. Gilbert & Louis Steen	1000" Sheep	Apr. 18, "	" 18,	" " 91 (AB)
Willis Sharp	600" Rine Creek Pt.			
J. Y. Ostrander & G. G. W. F. Johnson	Bishop			
	500" Gold	Apr. 27,	Apr. 27,	" " 93 (X)
	H. M. D.	May 1,	May 1,	" " 94 (AB)
	1500" Salmon Cr.	" 28, "	" "	" " 95 (AB)

[1865]

Locator.	Location.	Date of Location.	Date of Record.	Where Recorded.
R. Duncan et al	All water in Spring			
R. Duncan et al	N Bank Gold Creek	May 6, 1896	May .6, 1896	5 Plac. 96 (AB)
“ “ “	5000”	“ 16, “	“ “	“ “ 97 (AB)
“ “ “	H. M. D.	“ “	“ “	“ “ 98 (AB)
J. S. Seatter	100” Bald Creek			
W. J. Wadleigh	Mountain H. M. D.	June 2, “	June 10, “	“ “ 102 (AB)
W. J. Wadleigh	800” Bullion Cr.	Aug. 11, “	Aug. 12, “	“ “ 121 (AB)
“ “ “	Douglas Island	“ “	“ “	“ “ 122 (AB)
“ “ “	800” Bullion Cr.	“ “	“ “	“ “ 124 (AB)
“ “ “	600” Fall	“ 9, “	“ 18, “	“ “ 126 (AO)
Alex Thompson & Geor. Harkrader	Douglas Island	“ 6, “	“ 18, “	“ “ 132 (AB)
Jos. T. Gilbert	500” Sheep Creek	Sept. 7, “	Sept. 9, “	“ “ 139 (AB)
W. J. Wadleigh	800” Bullion “	Oct. 13, “	Oct. 13, “	“ “ 140 (A)
“ “ “	800” Fall Creek D. Island	“ “	“ 14, “	“ “ 141 (AB)
“ “ “	800” Bullion Creek	Oct. 13, “	“ 14, “	“ “ 141 (AB)
“ “ “	D. Island			
	Summary for year 1896			
Total Number of Notices	A X	B O	No date of Location	
22	18 4	15 5	2	

Locator.	Location.	Date of Location.	Date of Record.	Where Recorded.
Robt. Duncan Jr	3000" Lemon H. M. D.	Jan. 20, 1897	Jan. 20, 1897	5 Plac. 154 (XB)
J. R. Corbus	Douglas Island	" "	" "	" " 155 (XB)
A. N. Corbus 2	3000" Lemon H. M. D.	Feb. 15, "	Feb. 15, "	" " 160 (XB)
J. McLaughlin et al	20000" Salmon Cr.	July 3, "	July 6, "	" " 198 (AB)
Jos. T. Gilbert by Chas. T. Garside	4000" Lurvey	" 2, "	" 6, "	" " 199 (AB)
R. F. Lewis [1866]	100" Gold	Nov. 15, "	Nov. 16, "	" " 243 (AB)

Locator.	Location.	Date of Location.		Date of Record.	Where Recorded.
Total Number of Notices	Summary for year 1897.				
6		A	X	B	O
W. H. Hile, by G.		3	3	6	0
Keeling agt	1000" Gold Cr.	Mar.	1, 1898	Mar. 1, 1898, 5 Plac.	259 (AB)
W. H. Hile, by G.	" "	"	"	"	"
Keeling agt		"	"	"	260 (AB)
W. H. Hile, by G.		"	"	"	"
Keeling agt	10000" Snow Slide	"	"	"	"
	Gulch	"	22,	"	270 (AB)
W. H. Hile	1000" Gold Creek	"	17,	"	271 (AB)
M. Creman et al	5000" Grindstone	May	3, " May	"	287 (AB)
M. Creman " "	" "	"	"	"	287 (AB)
Jos. McComb & H. H. Cleaver	1000" Nevada Cr.	July	30,	July 30,	31 (AB)
Jos. McComb & H. H. Cleaver	500" Nevada "	"	"	"	"
J. P. Corbus et al	600" Cowee "	Nov.	19,	" Nov. 21,	32 (AB)
" " "	600" Lampson "	"	18,	" " 21,	97 (AB)
	Douglas Island			"	98 (AB)
J. W. Price et al	1000" Salmon Creek	Sept.	23,	"	112 (AO)
	Summary for year 1898.			"	"
Total Number of Notices.		A	X	B	O
11		11	0	10	1
					0

Locator.	Location.	Date of Location.	Date of Record.	Where Recorded.
John Johnson et al	Salmon Creek	Jan. 2, 1899	Jan. 12, 1899	6 Plac. 171 (AB)
C. D. Price et al	" "	" "	" "	" " 193 (XB)
" " "	Taku	" "	" "	" " 194 (XB)
Last Chance M. Co. by L. Gordon, Sup.	500' — " "	Mar. 18, "	Mar. 20, "	7 " 69 (AB)
O. Savage et al	20000' W a t k a chee Creek	—————	May 24, "	" " 271 (X)
Wm. M. Ebner	All — Gulch Bos- ton Group	May 25, "	June 1, "	" " 287 (AB)

[1867]

Locator.	Location.	Date of Location.	Date of Record.	Where Recorded.
J. A. Williams et al.	200" Big Creek	June 21, 1899	June 22, 1899	7 Plac. 295 (AB)
Total number of notices	Summary for year 1899			
7	A X B O		No date of location.	1
J. Price et al	2000" Salmon Cr.	Jan. 5, 1900	Jan. 6, 1900	8 Plac. 4 (AB)
Oscar Ohman et al	Snow Slide Cr.	Feb. 5, "	Feb. 6, "	" " 10 (XB)
J. P. Corbus	500" —	July 28, "	July 28, "	" " 38 (AB)
O. Sandstone &	1000" — West			
J. G. Heid	side Taku Harbor	Aug. 18, "	Sept. 19, "	" " 59 (AO)
O. Sandstone &	2000" —	Sept. 4, "	" 19, "	" " 60 (AO)
J. G. Heid	3000" Salmon Cr.	" 15, "	Oct. 2, "	" " 68 (AO)
H. H. Folsom &	200" —	Dec. 24, "	Dec. 26, "	" " 79 (AB)
John Wagner	300 —	" 24, "	" 26, "	" " 80 (AB)
Oliver Framum				
"				
Total number of notices	Summary for year 1900			
8	A X B O		no date of location.	
	7 1 5 3			

Locator.	Location.	Date of Location.	Date of Record.	Where Recorded.
R. F. Lewis	100" Gold Creek	Dec. 26, 1900	Jan. 10, 1901	8 Plac. 84 (AO)
Oliver Farnum	300" ———	" 27, "	" 14, "	" " 95 (AO)
J. MacDonald	1200" Glacier Cr.	Mar. 23, 1901	Apr. 1, "	" " 109 (AB)
" "	500" Snowslide G.	" 23, "	" 1, "	" " 110 (AB)
L. G. Back &				
Oscar Ohman	200" Gross Bay G.	May 12, "	May 13, "	" " 119 (AB)
J. Price et al	2000" Salmon Cr.	July 8, "	July 10, "	" " 128 (AB)
W. J. Hills	all Sheep Cr.	Aug. 12, "	Aug. 13, "	" " 145 (AB)
G. Heidbergh	all water in shaft	" 6, "	" 13, "	" " 146 (AB)

[1868]

Locator.	Location.	Date of Location.	Date of Record.	Where Recorded.
Falis Markx	5" ——— Cr.	——	Feb. 19, 1902	8 Plac. 211 (A)
N. Neidham & Col Winn	All Auk Lake	Mar. 22, 1902	" "	" " 222 (AB)
Falis Markx	10" ——— Cr.	Apr. 18, "	Apr. 18, "	" " 232 (AB)
Wm. Winn & N. Needham	All Auk Lake Hatch- ery	July 3, "	July 3, "	" " 242 (AB)
N. A. Needham & Wm. Winn	All ———	Sept. 5, "	Sept. 10, "	" " 258 (AB)
John Wagner	All Salmon Cr.	July 1, "	" 30, "	" " 262 (AO)

Locator.	Location.		Date of Location. for year 1902	Date of Record.	Where Recorded.
Total No. of notices	A	X	Summary	No date of location.	
6	6	0	B 0	1	
R. F. Lewis	200" water from spring				
W. H. Hile	Gold Creek		Feb. 6, 1903	Feb. 6, 1903	8 Plac. 292 (AB)
W. H. Hile	10000" Gold Creek		Apr. 20, "	Mar. 19, "	9 " 1 (A)
R. B. Day & John Olds	6000" Glacier Riv. Mendenhall G.		Jan. 10, "	Apr. 21, "	9 " 6 (AB)
[1869]				May 1, "	" " 7 (AO)

Locator.	Location.	Date of Location.	Date of Record.	Where Recorded.
J. Mayo et al	10000" Nugget Cr.		Aug. 13, 1903	9 Plac. 73 (X)
C. Shubert	3000" Sheep "		" " "	" " 80 (AB)
M. C. Shubert et al	All Great Rocker Falls	Aug. 14, 1903	" 17,	
		" 15, "	" " "	
		" 31, "	Sept. 8,	
T. C. Hallum	All Salmon Creek			
	Summary for year 1903			
	A	X		No date of Location
Total No. of Notices	6	2	5	2
8				

Locator.	Location.	Date of Location.	Date of Record.	Where Recorded.
R. P. Nelson	All ——— creek	Apr. 1, 1904	Apr. 2, 1904	9 Plac. 188 (AB)
" "	100" ———	" 6,	" 7,	" " 188 (AB)
F. Bach &	20000" Glacier Cr.			
P. Early	Mendenhall G.	" 15,	" 23,	" " 192 (XB)
Alaska Treasure				
Cons. Mg. Co.	400" Nevada Cr.	Aug. 2,	Aug. 2,	" " 218 (AB)
R. P. Nelson	1000" from Tunnel	" 25,	" 27,	" " 219 (AB)
F. Goddard et al	1000" ——— Creek			
	Last Chance Basin	Oct. 4,	Nov. 4,	" " 266 (AO)
	" "	" 4,	" 4,	" " 268 (AO)
F. Goddard et al	All West Fork Cr.	Sept. 16,	" 18,	" " 270 (AO)
G. Goldstein et al	" "	" "	" 18,	" " 270 (AO)
C. Goldstein et al	All North			
	Summary of year 1904			
Total No. of Notices	A X B O		No date of location.	
9	8 1 5 4		0	
Don S. Rae	All Lost Rocker		Mar. 15, 1905	9 Plac. 287 (A)
	Falls		" 17,	" " 288 (AO)
R. F. Lewis.	5000" Salmon Cr.	Feb. 26, 1905		
[1870]				

Locator.	Location.	Date of Location.	Date of Record.	Where Recorded.
Ben Bullard	20000" Glacier Cr.	Apr. 8, 1905	Apr. 11, 1905	Plac. 292 (AB)
R. P. Nelson	5 Cu ft. —	June 7, "	" 10	" 4 (AB)
T. C. Hallum	3000" Salmon	July 19, "	" "	" 14 (AO)
V. McFarland	1000" Lurvey	" 24, "	" "	" 18 (AO)
J. R. Mitchell, Agt.	800" Gold	Aug. 24, "	" "	" 25 (AO)
J. Mitchell, Agt.	2000" "	" 24, "	" "	" 26 (AO)
Harry Bishop et al.	Taku Inlet	" 26, "	" "	" 35 (XO)
A. Perseverance Co.	1000" —	Nov. 17, "	" "	" 39 (AB)
W. O. Crosby	5000" Salmon	Oct. 29, "	" "	" 48 (AO)
	Summary of year 1905.			
	A	X		No date of location
	10	1		1
		B		
		3		
		O		
		7		

Total No. of Notices
11

Locator.	Location.	Date of Location.	Date of Record.	Where Recorded.
A. H. Smith	30000" Lemon Creek	Dec. 29, 1905	Jan. 2, 1906	10 Plac. 57 (AB)
F. C. Hammond	15000" Sheep "	Jan. 3, 1906	" 4,	" " 59 (AB)
M. J. O'Connor	350 Treadwell Ditch	Feb. 13, "	Feb. 14,	" " 63 (AB)
Don. S. Rae	3000" Gold Creek	July 24, "	July 25,	" " 84 (AB)
August Olson	All —	Aug. 8, "	Aug. 8,	" " 85 (AB)
L. B. Johnson	20000" Bullion "	Sept. 7, "	Oct. 3,	" " 88 (XO)
A. Murry &	2000" Fish "	Oct. 6, "	" 8,	" " 88 (AB)
John Henson	Summary for year 1906			
Total No. of Notices	A X B	O	No date of location	
7	6 1 6	1	0	
Waldo States	10000" Glacier River	Jan. 8, 1907	Jan. 29, 1907	10 Plac. 98 (AO)
M. F. Howe	5000" Salmon Creek	Apr. 22, "	Apr. 22,	" " 99 (AB)
[1871]				

Locator.	Location.	Cr.	Date of Location.	Date of Record.	Where Recorded.
Ben Bullard	1000" Steep	Cr.	Apr. 24, 1907	May 14, 1907	10 Plac. 101 (AO)
E. Rund & C. M. Thorndicke	1500" Granite	"	May 18, "	" 27, "	" " 102 (AB)
Peter Reilley	10 Cu. ft. "	"	June 27, "	July 8, "	" " 105 (XB)
E. Rund & Jesse Blakeley	1500" Granite	"	July 16, "	July 24, "	" " 106 (AB)
Alaska Reliance	2500" Sheep	"	" 22, "	Aug. 1, "	" " 115 (AB)
Mg. Co.	7000" "	"	Nov. 1, "	Nov. 6, "	" " 125 (AB)
L. P. Shackelford	20000" Bullion	"	Nov. 5, "	" 7, "	" " 125 (AB)
L. B. Johnson	Summary for year 1907				
Total No. of Notices.	A	X	B	O	No date of location
9	8	1	7	2	0

Locator.	Location.	Date of Location.	Date of Record.	Where Recorded.
Pisetta Noe & N. C. Wadleton Lewis Lund	All — Creek All water on his homestead	July 7, 1908	Aug. 8, 1908	10 Plac. 138(AO)
	Summary for year 1908	Jan. 6, “	Feb. 15, “	“ “ 132(AO)
	A X	B O		
	2 0	0 2		
Total No. of Notices. 2				
W. Stubbins & L. H. Keist Jesse Blakeley Neil McCush & E. J. Margrie	500" Bear Creek 1500" Granite “	Feb. 23, 1909 May 7, “	Feb. 24, 1909 May 8, “	10 Plac. 149(AB) “ “ 151(AB)
	50000" McCush Lake Auk Bay	“ 17, “	“ 19, “	“ “ 151(AB)
A. L. Atkinson [1860]	10000" Sheep Creek	Aug. 27, “	Sept. 1, “	“ “ 156(AB)

Locator.	Location.	Date of Location.	Date of Record.	Where Recorded.
J. B. Martin	5000" Bullion Cr.	Sept. 28, 1909	Oct. 6, 1909	10 Plac. 160(XB)
Total No. of Notices.	Summary for year 1909			
5	A X B O			
	4 1 5 0			
C. Radovich & Noj. Pisete	500" Crosscut Bay	Feb. 15, 1910	Feb. 16, 1910	10 Plac. 170(XB)
J. H. Dull & T. Dull	100 Cu. ft. Lemon Cr.	" 17, "	" 25, "	" " 171(AB)
A. L. Pearse	400 Nevada Creek	Mar. 28, "	Apr. 19, "	" " 173(AO)
L. D. Mulligan	20000" Gold "	Aug. 1, "	Aug. 8, "	" " 178(XB)
George Bent	All—stream flowing Gold Creek	" 15, "	" 17, "	" " 180(XB)
George Bent	1000" Stream flowing into Gold Creek	" 15, "	" 17, "	" " 181(XB)
Ebner G. M. Co. by J. R. Winn	All unappropriated water in Gold Cr.	" 17, "	" 17, "	" " 181(XB)
L. G. Bach	Marble Creek	July 26, "	Sept. 21, "	" " 182(AO)
W. R. Lindsay	20000" Nugget Creek	Aug. 1, "	" 24, "	" " 185(XO)
Sam Jurish	All Jurich Creek	Oct. 10, "	" 11, "	" " 185(AB)
H. T. Tripp	10000" Gold "	June 20, "	" 25, "	" " 186(AO)
Chas. Perelle	100 Cu. ft Lemon Cr.	Oct. 29, "	Nov. 1, "	" " 186(XB)
Total No. of Notices.	Summary for year 1910			
12	A X B O			
	5 7 8 4			

Locator.	Location.	Date of Location.	Date of Record.	Where Recorded.
Alaska Juneau G.				
M. Co. by R. Kinzie	20000" Gold Cr.	May 8, 1911	May 8, 1911	10 Plac. 195 (AB)
A. Tread, G. M. Co.	Nugget Cr.	June 13, "	June 19, "	" " 198 (AB)
Martin Damourette		July 12, "	July 20, "	" " 206 (AB)
L. P. Shackelford	Auk Creek	Aug. 25, "	Aug. 26, "	" 11 12 (AB)
[1873]				

Locator.	Location.	Date of Location.		Date of Record.		Where Recorded.	
John W. Clark	Carlson Cr.	Oct.	8, 1911	Oct. 12, 1911	11	Plac.	23 (AB)
B. L. Thane	Salmon Cr.	Dec.	12	Dec. 13	"	"	36 (AB)
" "	"	"	12	" 13	"	"	36 (AB)
"	"	"	15	" 16	"	"	37 (AB)
A. J. G. M. Co.	"	"	15	" 16	"	"	39 (AB)
" " "	"	"	15	" 16	"	"	41 (AB)
Summary for year 1911.							
Total No. of Notices		A	X	B	O		
10		10	0	10	0		

Locator.	Location.	Date of Location.	Date of Record.	Where Recorded.
A. J. G. M. Co.		Jan. 16, 1912	Jan. 17, 1912	11 Plac. 47 (AB)
B. L. Thane		" 18	" 18	" 49 (AB)
Penn Alaska	Bishop Point	June 13	June 21	" 66 (AB)
"	"	" 13	" "	" 66 (AB)
R. G. Wayland	Sheep Creek	Aug. 14	Aug. 14	" 74 (AB)
A. Gast. M. Co.	"	" 21	" 27	" 74 (AB)
Peter Reilly	"	" 14	" 26	" 76 (XO)
R. G. Wayland	Sheep	Sept. 12	Sept. 14	" 81 (AB)
A. J. G. M. Co.	Nugget	" 3	" 9	" 82 (AB)
" " "	"	" 18	" 30	" 96 (AO)
G. C. Winn	Carlson	" 29	Oct. 2	" 99 (AB)
Owen Kirk	Granite	" 19	Sept. 26	" 103 (XB)
Summary for year 1912.				
		A	X	
		10	2	
		B	O	
		10	2	
Total No. of Notices				
12				
A. Gast. M. Co.		Jan. 7, 1913	Jan. 21, 1913	11 Plac. 127 (AO)
" " "		" 7	" 21	" 128 (AO)
John Wagner	Gold Creek	Feb. 18	Feb. 20	" 134 (AB)
[1874]				

Locator.	Location.	Date of Location.	Date of Record.	Where Recorded.
G C. Jones W.	Woods Gulch	Feb. 15, 1913	Feb. 20, 1913	11 Plac. 136 (AB)
" " "	Eve	" 15 "	" 20 "	" " 136 (AB)
" " "	Adam	" 15 "	" 20 "	" " 136 (AB)
A Gast. M. Co.	Carlson Creek	" 10 "	" 28 "	" " 139 (AO)
Harry Lott	Sheep	Mch. 5 "	May 12 "	" " 179 (AO)
" "	"	" 5 "	" 12 "	" " 180 (AO)
" "	"	" 5 "	" 12 "	" " 180 (AO)
" "	"	" " "	" " "	" " 181 (AO)
" "	"	" " "	" " "	" " 181 (AO)
" "	"	" " "	" " "	" " 181 (AO)
" "	"	" 6 "	" " "	" " 182 (AO)
" "	"	" " "	" " "	" " 183 (AB)
" "	"	May 8 "	" " "	" " 196 (AB)
A. J. G. M. Co.	Wood Gulch	Aug. 15 "	Aug. 16 "	" " 203 (AB)
Krigbaum	Mt. Juneau	Sept. 30 "	Oct. 1 "	" " "

Summary for year 1913

A	X	B	O
17	0	7	10

Total No. of Notices	17
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Locator.	Location.	Date of Location.	Date of Record.	Where Recorded.
R. C. Hurley	Mt. Juneau	Jan. 31, 1914	Feb. 3, 1914	11 Plac. 221 (AB)
A. J. G. M. Co.	Julapa Basin	Mch. 23,	" Apr. 7,	" " 225 (AO)
Hill		_____	May 11,	" " 251 (A)
Summary for year 1914				
Total No. of Notices	A	X	B	O
	3	0	1	1
No date of Location				
1				

[1875]

SUMMARY.

Year.	Total Number of Notices.	A	X	B	O	No Date of Location.
1881	30	24	6	28	1	1
1882	33	27	6	27	5	1
1883	17	15	2	15	2	0
1884	5	1	4	5	0	0
1885	15	8	7	8	7	0
1886	6	4	2	6	0	0
1887	16	12	4	12	3	1
1888	7	5	2	4	3	0
1889	24	16	8	21	3	0
1890	8	7	1	8	0	0
1891	9	7	2	50	3	0
1892	3	3	0	1	2	0
1893	9	8	1	6	2	1
1894	14	12	2	12	1	1
1895	12	11	1	10	1	1
1896	22	18	4	15	5	2
1897	6	3	3	6	0	0
1898	11	11	0	10	1	0
1899	7	4	3	6	0	1
1900	8	7	1	5	3	0
1901	13	13	0	11	2	0
1902	6	6	0	4	1	1
1903	8	6	2	5	1	2
1904	9	8	1	5	4	0
1905	11	10	1	3	7	1
1906	7	6	1	6	1	0
1907	9	8	1	7	2	0
1908	2	2	0	0	2	0

Ebner Gold Mining Company et al. 2093

Year.	Total Number of Notices.	A	X	B	O	No Date of Location.
1909	5	4	1	5	0	0
1910	12	5	7	8	4	0
1911	10	10	0	10	0	0
1912	12	10	2	10	2	0
1913	17	17	0	7	10	0
1914	3	3	0	1	1	1
	<hr/> 386	<hr/> 311	<hr/> 75	<hr/> 293	<hr/> 79	<hr/> 14
		75		79		
				14		
		<hr/> 386		<hr/> 386		

80+ designat.

19+% do not designat Place.

20+% not recorded in 10 da.

3+% no dat.

75+% within 10 days.

[1876]

**Plaintiff's Exhibit No. 42—Notice of Location of
R. S. Lewis.**

Plffs. Exhibit No. 42. Received in evidence Aug. 10, 1914. In Cause 1074—A. J. W. Bell, Clerk. By J. T. Reed, Deputy.

NOTICE OF LOCATION.

Notice is hereby given that the undersigned a citizen of the United States claims and has a valid right to the occupation of a tract of land for the exclusive right of way for the purpose of constructing a flume from a point on Gold Creek about 400 feet west of the first bridge on the Johnson road leading to Silver Bow Basin along the south bank of said creek to the Aladin Placer Claim situated on said creek adjoining the Last Chance placer claim and also for the purpose of constructing a flume along said south bank to a reservoir situated in Block 38 in the town of Juneau, Claim is also laid to the use and enjoyment of two hundred inches of water from said stream for mining domestic and manufacturing purposes to be conveyed through such flume extending from the above mentioned point on Gold creek to the above mentioned Aladin Claim and the town of Juneau, during the mining season and periods of low water.

R. F. LEWIS.

Witness—PHIL STARR.

Filed for record at 10 o'clock A. M. June 25, 1894,
and recorded in Book L on page 329. [1877]

LOCATION NOTICE.

Notice is hereby given that the undersigned a citizen of the United States has this day for the purpose of establishing and better defining his rights heretofore established not waiving any of them, located and claimed one hundred inches of the waters of Gold Creek, to be diverted at or near the point where the mouth of the Lewis Tunnel is located, and near the front where the old and unused flume of the Alaska Electric light and power Company Starts. Said water to be carried by ditch and flume across the Whitney Placer claim to be there used for placer mining and thence along the South bank of Gold Creek and the town of Juneau to be then used for domestic and manufacturing purposes.

A right of way is also claimed for the ditch and flume to be built to carry out the purposes of the above location.

R. F. LEWIS.

November 15, 1897.

Filed for record at 2 P. M. Nov. 16, 1897, and recorded in Book 5 of Placers on page 243. [1878]

United States of America,
Territory of Alaska,
Division No. One,—ss.

I hereby certify that the above and foregoing are true and correct copies of Location Notices of water rights as recorded in Book 4, Page 329, of Placers, and Book 5, Page 243, of Placers, of the records of the Juneau Recording District, Territory of Alaska, and the whole thereof.

Dated this 8th day of August, 1914.

JOHN B. MARSHALL,

U. S. Commissioner and Ex-officio Recorder.
[1879]

**Plaintiff's Exhibit No. 43—Notice of Location of
Sam Howarth et al. of Waters on Salmon Creek,
etc.**

Plffs. Exhibit No. 43. Received in evidence
Aug. 10, 1914. In Cause No. 1074—A. J. W. Bell,
Clerk. By J. T. Reed, Deputy.

WATER RIGHT RECORD.

HARRIS MINING DISTRICT.

Ter. of Alaska. Jan. 1st 1889.

We the undersigned claim 5000 miners inches of
water five thousand miners inches of water on
Salmon Creek for mining and milling purposes.

SAM HOWARTH.

E. VAN BUREN.

Filed for record at 7:30 o'clock P. M. July 10, 1889,
and recorded in Book F, Placers Page 171.

LEWIS L. WILLIAMS,

District Recorder. [1880]

**AMENDED CERTIFICATE OF THE SALMON
CREEK WATER RIGHT.**

AMENDED NOTICE OF RIGHT TO WATER.

Know all men by these presents that the under-
signed for the purpose of more fully defining their
claim to the use and right of water of Salmon Creek
made and located by the undersigned as the Salmon
Creek water right same recorded in Book I of placer
and water rights on page 171 of the records of

Harris Mining District, Alaska, filed this additional certificate for the purpose also of strengthening said original record and in no way intending to waive or relinquish any rights, acquired by them under and by virtue of said original record and location of said Salmon Creek water right made on the 1st day of January 1889 and more particularly described and set forth as follows, to wit: The undersigned claim and have a valid right to the enjoyment and use of Five Thousand (5000) inches of the water of said Salmon Creek for mining and milling purposes and for the purpose of generating power for mining and milling operations to be conducted and conveyed through ditch and flume to the point or place of intended use three fourths of one mile from the point of diversion towards the beach on Gastineau Channel on the Northern side thereof in Harris Mining District Alaska the point of diversion of the water of said Salmon Creek claimed as hereinbefore stated is at the point on said creek at which this Notice of right to water of the undersigned is posted the said notice being posted on a tree on said Creek about 550 feet above the first falls on said Salmon Creek going from the mouth of said creek up its course and about 1500 feet from the point where said Creek empties into Gastineau Channel.

The undersigned also declare and publish as a legal notice to all the world that they claim and have a valid right to three acres of ground at said point of diversion of the water of said [1881] Salmon Creek upon which said ground or level to erect and

maintain a dam necessary for the proper use and diversion of said water in ditches and flumes and further claim and have a valid right to the exclusive right of way for the purpose of constructing a flume or water ditch from said point of diversion on said Salmon Creek to the point of intended use as hereinbefore stated. Dated April 19, 1889.

SAM HOWARTH,
VAN BUREN,

Claimants.

Filed for record at 11 A. M. April 27, 1889 and recorded in Book I Placer on page 207.

LOUIS L. WILLIAMS,
District Recorder. [1882]

United States of America,
Territory of Alaska,
Division No. One,—ss.

I hereby certify that the above and foregoing are true and correct copies of Location Notices of water rights as recorded in Book 3, Page 171, of Placers, and Book 3, Page 207 of Placers, of the records of the Juneau Recording District, Territory of Alaska, and the whole thereof.

Dated this 8th day of August, 1914.

JOHN MARSHALL,
U. S. Commissioner and ex-officio Recorder.
[1883]

Plaintiff's Exhibit No. 44—Notice of Anton Marks et al. of Location, etc., of Waters on Nevada Creek.

Plffs. Exhibit No. 44. Received in evidence Aug. 10, 1914. In cause No. 1074—A. J. W. Bell, Clerk. By J. T. Reed, Deputy.

NOTICE OF LOCATION

1,000 in. Nevada Creek.

District of Alaska, Harris Mining District, Juneau.

Being U. S. Citizens, we, the undersigned have this 6th day of August, 1894, located & claim the right of 1000 miners inches of water on Nevada Creek being *being* on the north east side of Douglas Island running into Gastineau Channel.

Locators **ANTON MARKS.**
 JOHN SCHULZ.
 JOHN THOMPSON.
 MAGLOIRE LE PAGE.

Filed for record 9 A. M. Aug. 13, 1894 and recorded in Book 4 of Placers, page 348.

LOUIS L. WILLIAMS,
District Recorder.

AMENDED NOTICE OF LOCATION OF WATER

Amended Water Location Recorded August 13th, 1894, in Book "L," page 348 Juneau Recording District located by Antone Marks, John Schultz, Alex Thompson and Magloire Le Page, George Harkrader succeeding to the rights and interest of John Schultz.

Notice is hereby given to all in the world that we,

George Harkrader, Antone Marks, Magloire Le Page and A. Thompson, of the District of Alaska, and citizens of the United States claim and have a valid right to the use and enjoyment of fifteen hundred inches (1,500) of water from Nevada Creek on Douglas Island, Harris Mining District, District of Alaska, for mining purposes and for running machinery and furnishing power and concentrating the ore from the mines in which these claimants are interested. [1884]

Said water to be taken from a point in said Nevada Creek at the top of the small falls in said creek about five hundred feet (500') above the top of the large falls in said creek and about a mile and a quarter ($1\frac{1}{4}$) from the shore of Gastineau Channel, which water is to be conveyed by water-ditch or flume from the point where taken from said creek to a mill site between said point and the shore of Gastineau Channel.

Dated this 6th day of August, 1896, at Juneau, Alaska.

ANTONE MARKS.

MAGLOIRE LE PAGE.

ALEX THOMPSON.

GEO. HARKRADER.

Filed for record at 4:15 P. M. Aug. 18, 1896 and recorded in Book 5 of Placers, page 126.

H. W. MELLEN,

District Recorder.

LOCATION CERTIFICATE OF DITCH AND
WATER RIGHT.

To all whom it may concern:

Know ye that the Alaska Treasure Consolidated Mines a corporation organized under the laws of the State of Washington does hereby declare and publish as a legal notice to all the world, that it has a valid right to the occupation, possession and enjoyment of all and singular that tract or parcel of land lying and being on Douglas Island, Harris Mining District in the District of Alaska, for ditch, flume, pipe line and mining purposes, bounded and described as follows to wit: Head of ditch tapping the waters of Nevada Creek on said Douglas Island at a point indicated by [1885] notice there posted on the left bank of said Nevada Creek which point is approximately four thousand feet from the mouth of said Nevada Creek on Gastineau Channel in said South Eastern Alaska and about 50 feet North west from a hemlock tree blazed with the letters T. D. Course of said ditch southerly for three hundred feet more or less; thence approximately 3700 feet by flume and pipe line in an easterly direction to the tide waters of said Gastineau Channel. Said Alaska Treasure Consolidated Mines, a corporation also claims four hundred miners inches of the waters of said Nevada Creek to be conveyed by said ditch, flume and pipe line with the exclusive right of way for said ditch, flume and pipe line.

Together with all and singular the hereditaments and appurtenances thereunto belonging or in any wise appertaining.

Witness the hand of said corporation this 1st day of August, 1904.

ALASKA TREASURE CONSOLIDATED
MINES.

By M. S. HUDSON,
Superintendent.

United States of America,
District of Alaska,—ss.

M. S. Hudson being first duly sworn deposes and says: I am the Superintendent of the Alaska Consolidated Mines. That as such I located for and in behalf of said company the above mentioned water right and line and right of way for ditches, flumes and pipe lines and that the same was made in good faith [1886] for the uses and purposes mentioned in the aforesaid location and notice.

M. S. HUDSON,
Superintendent.

Subscribed and sworn to before me this 2nd day of August, 1904.

Seal

_____,
U. S. Commissioner at Juneau, Alaska.

Filed for record at 4:20 P. M. August 2nd, 1904,
and recorded in Book 9 of Placers page 218.

H. H. FOLSOM,
District Recorder. [1887]

United States of America,
Territory of Alaska,
Division No. One,—ss.

I hereby certify that the above and foregoing are true and correct copies of Location Notices of water

rights as recorded in Book 4, Page 348, and Book 5, Page 126, and Book 9, Page 218, of Placers, of the Records of the Juneau Recording District, Territory of Alaska, and the whole thereof.

Dated this 8th day of August, 1914.

JOHN B. MARSHALL,

U. S. Commissioner, and Ex-officio Recorder.

[1888]

**Plaintiff's Exhibit No. 45—Notice of J. D.
Sagemiller of Location of Water Rights, etc.**

Plffs. Exhibit No. 45. Received in evidence Aug. 10, 1914. In Cause No. 1074-A. J. W. Bell, Clerk. By J. T. Reed, Deputy.

SNOW SLIDE GULCH.

Sept. 29th 1881.

Notice is hereby given that the undersigned has this day relocated the often abandoned water right of this gulch which water right is now free again for relocation and do therefore this day claim the right to all the water at this point or place for milling and mining purposes. My ditch to begin at or near this notice about 150 ft. below the fork.

J. D. SAGEMILLER.

Witness:

G. W. BARNS.

G. H. CHURCH.

R. DIXON,

Recorder.

Sept. 29th, 1881.

Notice is hereby given that I have claimed the water in a gulch running from its source or head

westerly through the "Taku Union Quartz location the water has been in my ditch and used for a year past I now relocate the same to be used for mining purposes and taken in a ditch about 1000 ft up the gulch from the Silver Basin trail said Lay or Gulch is Situated on the East side of Gold Creek and about 500 yds north from the crossing of Snow Slide Gulch.

J. D. SAGEMILLER.

Sept. 5th 1883.

Harris Mining District Al. T.

R. DIXON,
Recorder.

September 16th, 1883. [1889]

United States of America,
Territory of Alaska,
Division No. One,—ss.

I hereby certify that the above and foregoing are true and correct copies of Location Notices of water rights as recorded in Book 1, Page 54, of Placers, and Book 2, Page 195, of Placers, of the Records of the Juneau Recording District. Territory of Alaska, and the whole thereof.

Dated this 8th day of August, 1914.

JOHN B. MARSHALL,
U. S. Commissioner, and Ex-officio Recorder.
[1890]

Plaintiff's Exhibit No. 46—Notice of Pat McClinchy et al., of Location of Water Rights, etc.

Plffs. Exhibit No. 46. Received in evidence Aug. 10, 1914. In Cause No. 1074-A. J. W. Bell, Clerk. By J. T. Reed, Deputy.

WATER RIGHT.

Notice is hereby given that the undersigned having complied with the requirements of Chapter Six title thirty-two of the Revised Statutes of the United States and the local laws and customs and regulations have located and claim two thousand inches of the water of Gold Creek Harris Mining District, said water we intend to divert in a ditch or ditches at a point just below a bridge on the Johnson Wagon road and we intend using the same water for milling and mining purposes.

Located July 21st, 1888, at 10 o'clock A. M.

PAT McCLINCHY.

THOMAS J. McCULLY.

Filed for record at 3:10 P. M. July 23rd, 1888, and recorded in Book L Placer on page 155.

LOUIS L. WILLIAMS,

District Recorder. [1891]

Pre-emption of Right of Way for Ditch and Location of Water.

To, whom these presents may concern, know ye that we, Pat McClinchy, Charles Forrest, John F. Maloney and Alfred Camel, of Juneau, in the District of Alaska, Citizens of the United States, do hereby declare and publish as a legal notice to all the

world, that we claim, and have a valid right to the occupation, possession and enjoyment of all and singular that tract or parcel of land, lying and being in Harris Mining District, in the District of Alaska for the exclusive right of way for the purpose of constructing a flume or water ditch from Gold Creek stream to that certain Quartz Mining claim known and recorded by the above named parties as the Fraction Lode Claim; said ditch-way being more particularly described as follows, to wit:

Commencing at Gold Creek about 200 yards below the point where the Silver Bow Basin wagon road leading into the said Basin first crosses said Gold Creek at the ranch known as the Gilbert ranch; thence running along the margin or bank of said creek and running just below the meandering of said wagon road, until said ditch-way reaches the upper end of Chicken Ridge; then along the crest of said ridge to a point near Gold Creek and on said Fraction Lode Claim. This ditch-way will run in the same direction and start from the same point as the old ditch-way known as the Cloud-man Ditch.

We also claim and have a valid right to the enjoyment and use of one thousand (1000) inches of the water from said Gold Creek for mining purposes to be conveyed through said flume or water ditch to said claim, together with all and singular the hereditaments and appurtenances thereunto belonging, or in anywise appertaining. [1892]

Witness our hands and seals this 24th day of May,
A. D. 1890.

PAT McCLINCHY.

J. F. MALONY.

CHAS. W. FORREST.

ALFRED H. GAMEL.

Notice posted on the stream May 24, 1890, Ditch
commenced at stream May 25, 1890.

United States,

District of Alaska,—ss.

On this 24th day of May, A. D. 1890 before me a
U. S. Commissioner in and for the District of Alaska,
personally appeared Pat McClinchey, Charles For-
rest, John F. Malony and Alfred H. Gamel, all to me
personally known to be the persons who executed the
foregoing instrument and acknowledged that they
executed the same for the uses and purposes therein
mentioned and set forth.

Witness my hand and Official seal, this the day and
year in this certificate last above written.

(Seal)

LOUIS L. WILLIAMS,

U. S. Commissioner for Alaska.

Filed for record at 10 A. M. May 28, 1890, and re-
corded in Book L of Placers on page 5.

LOUIS L. WILLIAMS,

District Recorder. [1893]

United States of America,

Territory of Alaska,

Division No. One,—ss.

I hereby certify that the above and foregoing are
true and correct copies of Location Notices of water
rights as recorded in Book 3, Page 155, of Placers,

2108 *Alaska-Juneau Gold Mining Company vs.*

and Book 4, Page 5, of Placers, of the records of the Juneau Recording District, Territory of Alaska, and the whole thereof.

Dated this 8th day of August, 1914.

JOHN B. MARSHALL,

U. S. Commissioner, and Ex-officio Recorder.
[1894]

**Plaintiff's Exhibit No. 47—Notice F. S. Reynolds
et al. of Claim of Water of Sheep Creek, etc.**

Plffs. Exhibit No. 47. Received in evidence Aug. 10, 1914. Cause No. 1074-A. J. W. Bell, Clerk. By J. T. Reed, Deputy.

Juneau, Alaska, March 2nd, 1889.

**NOTICE OF MILL SITE AND WATER RIGHT
LOCATION.**

Notice is hereby given that we the undersigned have this day located and claim a mill site 480 feet square on Sheep Creek both banks about $\frac{1}{2}$ mile from tide water near the foot log now crossing Sheep Creek and more particularly described as follows beginning at a stake marked 1" Thence in the course of the creek down to stake No 2 thence crossing the creek near said foot log 480 feet to stake No. 3. thence up the said Creek 480 feet to stake No 4" Thence again across the creek to place of beginning we also claim all of the water in said creek crossing the above mill Site ~~for~~ the same to be used for mining purposes. This mill site and water right are located in connection with the Silver King mining Lode and

distant about one mile down the stream from said Silver King Lode Claim.

F. S. REYNOLDS &
A. T. ANDERSON,
Locators.

Filed for record at 11:35 A. M. March 21, 1889, and recorded in Book 7 Placers, on page 199.

LOUIS L. WILLIAMS,
District Recorder. [1895]

WATER RIGHT.

Notice is hereby given that the undersigned has this day recorded and claimed the water (Right) of Sheep Creek at point opposite this notice to the amount of 1,000 miners inches to be utilized for milling the ores of the Silver Queen Mining Co; and this water right is taken in conjunction with the mill-site surveyed about 500 below this "Notice" for the Silver Queen Mine for the Company.

F. S. REYNOLDS.

Sheep Creek.

Harris Mining Dist.

May 5, 1890.

Filed for record at 10 A. M. May 13, 1890, and recorded in Book L of Placers on page 2.

LOUIS L. WILLIAMS,
District Recorder. [1896]

United States of America,
Territory of Alaska,
Division Number One,—ss.

I hereby certify that the above and foregoing are true and correct copies of Location Notice of water

2110 *Alaska-Juneau Gold Mining Company vs.*

rights as recorded in Book 3, Page 199, of Placers, and Book 4, Page 2, of Placers, of the records of the Juneau Recording District Territory of Alaska, and the whole thereof.

Dated this 8th day of August, 1914.

JOHN B. MARSHALL,

U. S. Commissioner and Ex-officio Recorder.
[1897]

**Plaintiff's Exhibit No. 48—Notice of Luke Noland
of Water Right, etc.**

Plffs. Exhibit No. 48. Received in evidence Aug. 10, 1914. In Cause No. 1074-A. J. W. Bell, Clerk. By J. T. Reed, Deputy.

**LOCATION CERTIFICATE OF WATER RIGHT
Luke Noland, Locator.**

NOTICE OF WATER RIGHT

Notice is hereby given that I the undersigned have this the 29th day of July 1889, located and claim by right of location, all the water in this Gulch or Ravine, together with all its tributaries, said gulch being one of the tributaries of Snow Slide Gulch, on S. E. side thereof situate in Harris Mining District, Dist. of Alaska, and I intend to use this water in working those certain placer claims known as the Luke Noland Claims and I will convey this water from this point by ditch or flume to said claims.

LUKE NOLAND,
Locator.

Filed for record at 10:05 A. M. Aug. 12, 1889, and recorded in Book I of Placers on page 224.

LOUIS L. WILLIAMS,
District Recorder.

DITCH WAY PREEMPTION,—Luke Noland,
Claimant.

To whom these presents may concern, know ye, that I Luke Noland of Juneau, Alaska, a citizen of the United States of America, do hereby declare and publish as a legal notice to all the world that I claim and have a valid right to the occupation possession and enjoyment of all and singular, that tract or parcel of land, situated in the Harris Mining District, Alaska, for the exclusive right of way for the purpose of constructing a flume or water ditch from the South East Fork of Snow Slide Gulch to my placer ground situate on the Montana 1 & 2, the California 1 & 2 and the Fuller 2; Lode Claims, owned by James Carroll; said ditch or flume way is more particularly described as follows commencing at a point on the S. E. fork of Snow Slide Gulch, at a point about three fourths of a mile up the mountain from the [1898] confluence of said streams thence meandering along the mountain immediately beneath Granit Peak, between the timber line and the summit thereof in a N. E. direction, across the middle fork of said Snow Slide Gulch and taking up the water therein flowing and contained to the amount of 100 inches, and the point where this ditch crosses the said middle fork is about one half mile up the mountain from where it intersects with the said main Snow Slide Gulch; thence continuing around

said mountain in a N. E. direction and crossing the extreme head tributary of Quartz Gulch about *on* fourth of a mile in a S. W. direction from the Reservoir, situated on the first table land or small basin on the summit of the mountain of Snow Slide Gulch thence in a N. E. direction to the surface ground of said lode claims—I also claim and have a valid right to the enjoyment and use of 150 inches of water from said S. E. fork and 100 inches of water from said middle fork of Snow Slide Gulch, for mining purposes, to be conveyed through such flume or water ditch to said claims, together with all and singular the hereditaments and appurtenances thereto belonging or in any wise appertaining.

Witness my hand this the 2nd day of September, 1889.

LUKE NOLAND,
Claimant.

Filed for record at 10 A. M. Sept. 2, 1889, and recorded in Book I of Placers on page 224.

LOUIS L. WILLIAMS,
District Recorder. [1899]

United States of America,
Territory of Alaska,
Division No. One,—ss.

I hereby certify that the above and foregoing are true and correct copies of Location Notices of water rights as recorded in Book 3, Page 224, of Placers, of the records of the Juneau Recording District, Territory of Alaska, and the whole thereof.

Dated this 8th day of August, 1914.

JOHN B. MARSHALL,

U. S. Commissioner and ex-officio Recorder.

[1900]

**Plaintiff's Exhibit No. 49—Notice of T. C. Hallum
of Water Right.**

Plffs. Exhibit No. 49. Received in evidence Aug. 10, 1914. In Cause No. 1074-A. J. W. Bell, Clerk. By J. T. Reed, Deputy.

NOTICE OF RIGHT TO WATER

The undersigned claims the water running in this Salmon Creek (and falls) stream to the extent of power enough to mine and operate the Klondike Group of Mining Claims from this point to the upper east side line of the Group of claims.

Dated August 31, 1903.

T. C. HALLUM,
Locator.

Filed for record at 10:20 A. M. Sept. 8, 1903, and recorded in Book 9 of Placers, page 88.

H. H. FOLSOM,
District Recorder.

NOTICE OF WATER RIGHT.

Notice is hereby given that the undersigned did on July 19, 1905, locate, appropriate and claim 3000 (three thousand) miners inches of water of Salmon Creek, lying and being and flowing on the north side of Mt. Juneau, Alaska, about 500 feet below Log Cabin on Toby No. 1 Mining Claim and near the

N. W. cor of Louise Mill Site, on blazed tree near creek bed at the point where this notice is posted which water is intended for use in mining and operating the Horse shoe group of mining claims now owned and worked by the undersigned and situated on the left bank or northside of said creek about 1500 feet below said point of discovery as aforesaid.

The said water is to be diverted and conveyed to said place by means of ditch flume or pipe line.

The undersigned hereby claims a right of way over all unappropriated lands of the United States through which said ditch flume or pipe line shall be built together with the right [1901] to repair and enlarge the said ditch, flume or pipe line, when ever and wherever found necessary. The undersigned claims the right to return the above water into said creek over and through the Horse Shoe mill site. The point of diversion whereon this notice has been posted as aforesaid is about 2000 feet up the said creek from the forks on the left fork going up.

T. C. HALLUM,
Locator.

Filed for record at 3:30 P. M. Aug. 4, 1905, and recorded in Book 10 of Placers, page 14.

H. H. FOLSOM,
Dist. Recorder. [1902]

United States of America,
Territory of Alaska,
Division No. One,—ss.

I hereby certify that the above and foregoing are true and correct copies of Location Notices of water

rights as recorded in Book 9, Page 88, of Placers, and Book 10, Page 14, of Placers, of the Records of the Juneau Recording District, Territory of Alaska, and the whole thereof.

Dated this 8th day of August, 1914.

JOHN B. MARSHALL,

U. S. Commissioner and ex-officio Recorder.

[1903]

**Plaintiff's Exhibit No. 50—Notice of W. H. Hile
of Water Right.**

Plffs. Exhibit No. 50. Received in evidence. Aug. 10, 1914. In Cause No. 1074-A. J. W. Bell, Clerk. By J. T. Reed, Deputy.

NOTICE OF WATER RIGHT

The undersigned W. H. Hile hereby claims and appropriates the water running in the stream commonly known as Gold Creek, to the extent of ten thousand miners inches of water to be conveyed over and across the right of way of this claimant and the Last Chance Gold Mining Company heretofore located and recorded for mining and other useful purposes, such water to be conveyed as aforesaid from this notice, which is the point of diversion, over and across the right of way aforesaid.

Such Gold Creek and its waters and such right of way and other properties of this locator being in the old Harris Mining District and the Juneau Recording District, District of Alaska, United States of America.

W. H. HILE,

Locator.

Filed for record at 9 A. M. March 19, 1903, and recorded in Book 9 of Placers, page 1.

H. H. FOLSOM,
District Recorder.

Filed for record 9 a. m. Apr. 21-1903, Book, 9, page 6.

H. H. FOLSOM,
Dist. Rec.

NOTICE OF LOCATION

The Undersigned hereby claims the water in this stream which is commonly known as Gold Creek situated in the Harris Mining District, Juneau Recording District, District of Alaska, to the extent of ten thousand (10,000) miners inches for mining power, domestic and other purposes, to be conveyed by ditch or flume from this point to the mouth of the tunnel of the Last Chance Gold Mining Company, on the placer claim known as the "Last Chance" said water to be taken and appropriated from said creek where this notice is posted same being about two hundred (200) feet up stream from the mouth or out let of main tunnel.

W. H. HILE,
Locator. [1904]

United States of America,
Territory of Alaska,
Division No. One,—ss.

I hereby certify that the above and foregoing are true and correct copies of Location Notices of water rights as recorded in Book 9, Page 1 of Placers, and Book 9, Page 6 of Placers, of the Records of the

Juneau Recording District, Territory of Alaska, and the whole thereof.

Dated this 8th day of August, 1914.

JOHN B. MARSHALL,

U. S. Commissioner and ex-officio Recorder. [1905]

Plaintiff's Exhibit No. 51—Notice of George E. Pilz of Water Right.

Plffs. Exhibit No. 51. Received in evidence Aug. 10, 1914. In Cause No. 1074—A. J. W. Bell, Clerk, By J. T. Reed, Deputy.

I the undersigned claim Three Hundred inches of water for milling and mining purposes in The main Gold Creek Water taken from the Creek about One hundred feet below the falls.

July 30th, 1881.

GEORGE E. PILZ,

July 30th, 1881.

R. DIXON,

Recorder.

NOTICE !!!

To whom these presents may concern Know ye that we Nath. Hilton & Geo. E. Pilz of Harris Mining District, Ter. of Alaska do hereby declare and publish as a legal notice to all the world that we claim and have a valid right to the occupation possession & enjoyment of all and singular that tract or parcel of land lying and being in Harris District Al Ter. for the Exclusive right of way for the purpose of constructing a flume pipe or water ditch from the fork of Gold Creek above Silver Bow Basin to a Quartz Mill Site more particularly described as follows commencing near a stake on the Northwesterly Bank of Said Creek near the Forks

of said Creek about 600 ft. above its entrance into Silver Bow Basin & thence to lead it by ditch or flume or pipe down the Creek & across Silver Bow Basin to a Mill Site located on the Northerly base of Gold hill west of *fork* of Quartz Gulch we also claim and have a valid right to the enjoyment & use and Two Thousand (2000) inches of water and Six inch pressure from said Stream for milling & mining purposes to be conveyed through such flume ditch or pipe to said mill site together with all and singular the hereditaments and appurtenances thereto belonging or in anywise appertaining according to the laws of the United States in witness our hands and seals this 17th day of June 1882.

NATH. HILTON,
GEO. E. PILZ,
R. DIXON,

Recorder.

June 17th, 1882. [1906]

United States of America,
Territory of Alaska,
Division No. One.—ss.

I hereby certify that the above and foregoing are true and correct copies of location Notices of water rights as recorded in Book 2, Page 23 of Placers and Book 2, Page 108 of Placers, of the Records of the Juneau Recording District, Territory of Alaska, and the whole thereof.

Dated this 8th day of August, 1914.

JOHN B. MARSHALL

U. S. Commissioner and Ex-officio Recorder. [1907]

**Plaintiff's Exhibit No. 52—Notice of J. W. Price
et al. of Water Location.**

Plffs Exhibit No. 52. Received in evidence Aug.
10, 1914. In Cause No. 1074-A. J. W. Bell, Clerk.
By J. T. Reed, Deputy.

NOTICE OF WATER LOCATION

We the undersigned have this day located and
claim one thousand miners inches of the water in
Salmon Creek about one mile from the first falls.
Said water is to be conveyed by ditch, Pipe or Flume
to Juneau for Domestic purposes.

Located this 23d day of Sept. 1898.

J. W. PRICE,

THOMAS C. PRICE,

CHARLES D. PRICE,

Locators.

Filed for record at 12 M. Nov. 25, 1898, and re-
corded in Book 6 of Placers on page 112. [1908]

**LOCATION OF WATER RIGHT AND RIGHT
OF WAY FOR DITCHES.**

Notice is hereby given that we, J. W. Price, Thos.
C. Price, Charles D. Price and Arthur Back all
citizens of the United States over the age of 21
years and residents of Juneau, Alaska, having this
8th day of January, 1900, located and do hereby
located and claim 2000 miners inches of water run-
ning in Salmon Creek, also a dam site and a right
of way for ditches, flumes and pipe lines to convey
said water to the town of Juneau, Alaska, all of
which is particularly described as follow, to wit:

That said 2000 miners inches of water is to be

taken from the said Salmon Creek at a point about one mile up said ~~Salmon~~ Creek from its mouth and about 1000 feet above the point where a dam has been erected and at the mouth of a canyon said point is also indicated that has been recently constructed to convey said water therefrom.

Said dam site is at the mouth of said canyon and we locate and claim sufficient of said canyon for all necessary purposes of constructing and building a dam adequate to our needs in putting said water unto ditches, flumes and pipes.

Said right of way hereby located begins at the point of a appropriation, to wit: The point of said dam site, and where this notice is posted and runs and follows the hill-side therefrom to a point back of Rinehart's Garden, near the town of Juneau.

Said right of way is plainly marked and indicated by blazed trees along the way and by stakes driven in the ground where there are no blazed trees. This said right of way being on the westerly side of the mountains and on the easterly side of Gastineau Channel all in the District of Alaska. [1909]

Said water is to be brought to and conducted to the Town of Juneau and vicinity for the purposes of domestic use, and for ~~the~~ mining and milling and power purposes.

This notice of location and appropriation relates back to our original entry and appropriation and is for the purpose of more specifically and particularly describing and designating our claim and we do not waive any of our rights previously acquired.

Dated this 5th day of January, 1900.

J. W. PRICE.

THOMAS C. PRICE.

CHARLES C. PRICE.

ARTHUR BACK.

Filed for Record at 3:15 P. M. Jan. 6, 1900 and recorded in Book 8 of Placers, page 4.

NORMAN E. MALCOLM,

District Recorder. [1910]

United States of America,

Territory of Alaska,

Division No. One,—ss.

I hereby certify that the above and foregoing are true and correct copies of Location Notices of water rights as recorded in Book 6, Page 112, of Placers, and Book 8 Page 4, of Placers, of the records of the Juneau Recording District, Territory of Alaska, and the whole thereof.

Dated this 8th day of August, 1914.

JOHN B. MARSHALL,

U. S. Commissioner and ex-officio Recorder. [1911]

**Plaintiff's Exhibit No. 53—Notice of L. B. Johnson,
of Location of Water Right.**

Plffs Exhibit No. 53. Received in evidence. Aug. 10, 1914. In Cause No. 1074-A. J. W. Bell, Clerk. By J. T. Reed, Deputy.

NOTICE OF LOCATION

Know all men by these presents, that I, L. B. Johnson, of Treadwell, a citizen of the United States, and over the age of twenty one years, have appropriated

and claimed twenty thousand miners inches of the waters of BULLION CREEK, of Douglas Island, Alaska, to be used for mining, milling and other purposes.

Said water is to be diverted from said creek at a point indicated by this notice posted on a tree about two and one half (2½) miles from the mouth of said creek. Said water is to be diverted by ditch, pipe and flume, or by either of them.

Dated September 7, 1906.

L. B. JOHNSON.

Filed for record at 2 p. m. Oct. 3, 1908, and recorded in Book 10 of Placers, page 88.

H. H. FOLSOM,

District Recorder.

PRE-EMPTION OF RIGHT OF WAY AND LO- CATION OF WATER CLAIM

TO WHOM THESE PRESENTS MAY CONCERN, Know ye, that I, L. B. Johnson, of the District of Alaska, a citizen of the United States do hereby declare and publish as a legal notice to all the world that I claim and have a valid right to the occupation, possession, and enjoyment of all and singular, the tract or parcel of land lying and being in the Harris Mining District, District of Alaska, for the exclusive right of way for the purpose of constructing a dam and more particularly described as follows—viz: 40 acres commonly known as the Basin at foot of Mt. Jumbo embracing head-water of Bullion Creek, about 2 miles south of Mexican mine shaft. Said land was surveyed and marked on the ground by

stakes, and the area mapped in August, 1906, by me,
[1912]

I also claim, and have a valid right to the enjoyment and use of 20,000 inches of water from said reservoir for mining purposes to be conveyed through such flume or water ditch to said claim, together with all and singular, the hereditaments and appurtenances thereunto belonging or in any wise appertaining.

Witness my hand and seal this fifth day of November, 1907. Witness: R. G. WAYLAND.

L. B. JOHNSON.

Filed for record at 9 a. m. Nov. 7th, 1907, and recorded in Book 10 of Placers, page 125.

H. H. FOLSOM,
District Recorder. [1913]

United States of America,
Territory of Alaska,
Division No. One,—ss.

I hereby certify that the above and foregoing are true and correct copies of Location Notices of water rights as recorded in Book 10, Page 88 of Placers, and Book 10, Page 125 of Placers, of the Records of the Juneau Recording District, Territory of Alaska, and the whole thereof.

Dated this 8th day of August, 1914.

JOHN B. MARSHALL,
U. S. Commissioner and ex-officio Recorder. [1914]

**Plaintiff's Exhibit No. 54—Notice of J. R. Mitchell,
Agent, etc., of Location of Right of Way for
Location of Water.**

Plffs Exhibit No. 54. Received in evidence, Aug. 10, 1914. In Cause No. 1074-A. J. W. Bell, Clerk. By J. T. Reed, Deputy.

**WATER LOCATION REDEMPTION OF RIGHT
OF WAY FOR THE LOCATION OF
WATER**

**TO WHOM THESE PRESENTS MAY CON-
CERN:**

Know ye, that I, J. R. Mitchell, Agent for the Per-severance Mining Company of the Juneau Recording District, Territory of Alaska, a citizen of the United States over the age of 21 years, do hereby declare and publish as a legal notice to all the world that I claim and have a valid right to the occupation, possession, and enjoyment of all and singular, that tract or parcel of land, lying and being in the Juneau Recording District in the Territory of Alaska, for the exclusive right of way for the purpose of constructing a flume, water ditch or pipe line from South Branch Gold Creek, to the Alta Mill site more particularly described as follows, to wit:

Commencing on the west side of south branch gold creek at a point whence U. S. Loc. Mon. No. 2 bears N 79° 40' W 420 feet dist. thence on line on proposed flume N 21° 30' W 240° feet to stake marked angle No. 3 thence N 10-30 W 430 feet to stake marked angle No. 2 thence S 78-45 W on course of proposed

pipe line 532 feet to the surface incline to the present Gold Creek dam at head of present flume conveying water to the Perserverance Air Compressor thence in a general westerly direction on the course of the present flume and pipe-line approximately 2000 feet to the Alta Mill site.

I also claim and have a valid right to the enjoyment and use of 800 miners inches of water from said creek for mining and milling purposes to be conveyed through such flume, water and ditches or pipe-lines, to said Alta Mill site; together with all [1915]

Witness my hand and seal this 1st day of Sept. 1905.

JOHN R. MITCHELL, (Seal)

Agent for the Perseverance Mining Co.

On this 28th day of Sept. 1905, before me, the U. S. Commissioner for the Juneau Recording District, Territory of Alaska, aforesaid, personally appeared J. R. Mitchell, Agent, to me personally known to me to be ther person who executed the foregoing written instrument and acknowledged that he executed the same for the purposes therein set forth.

Witness my hand and official seal this 28th day of Sept. 1905.

Seal

H. H. FOLSOM,
U. S. Commissioner.

Filed for record at 9:58 A. M. Sept. 28, 1905, and recorded in Book 10 of Placers, page 25.

H. H. FOLSOM,
District Recorder. [1916]

LOCATION CERTIFICATE OF DITCH AND
WATER RIGHT.

TO ALL WHOM THESE PRESENTS MAY CONCERN:

Know ye, that we, the Alaska Perseverance Mining Company a corporation duly organized and existing under the laws of the state of New York and having its principal place of business in the city and county of New York, in the State of New York, by its agent John R. Mitchell, citizen of the United States over the age of twenty-one years, do hereby declare and publish as a legal notice for all the world that we have a valid right to the occupation possession and enjoyment of all and singular that tract and parcel of land lying and being on the north side of Gastineau Channel, about 3 miles east of the Town of Juneau, in the Territory of Alaska, for the exclusive right of way for the purpose of constructing a flume, water ditch, or pipe line from this creek to the Una Mill Site.

We also claim and have a valid right to the enjoyment and use of one thousand miners inches of water from said creek for mining and milling purposes to be conveyed through such flumes, water ditches or pipe line to the said Una Mill Site together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in any wise appertaining.

Notice posted on the creek this 17th day of November, A. D. 1905.

Witness my hand and seal this 17th day of November, 1905.

ALASKA PERSEVERANCE MINING
COMPANY.

By JOHN R. MITCHELL, Agent. [1917]

On this 20th day of November, 1905, before me, a United States Commissioner for the Juneau Recording District, Territory of Alaska, personally appeared John R. Mitchell, agent for the Alaska Perseverance Mining Company to me personally known to be the person who executed the foregoing instrument and acknowledged that he executed the same for the purposes therein set forth.

Witness my hand and official seal this 20th day of November, A. D. 1905.

[Seal]

H. H. FOLSOM,

U. S. Commissioner for Alaska, at Juneau.

Filed for record at 9 a. m. Nov. 20, 1905, and recorded in Book 10 of Placers, page 39.

H. H. FOLSOM,

District Recorder. [1918]

United States of America,
Territory of Alaska,
Division No. One,—ss.

I hereby certify that the above and foregoing are true and correct copies of Location Notices of water rights as recorded in Book 10, Page 25 of Placers, and Book 10, Page 39 of Placers, of the Records of the Juneau Recording District, Territory of Alaska, and the whole thereof.

Dated this 8th day of August, 1914.

JOHN B. MARSHALL,

U. S. Commissioner and ex-officio Recorder. [1919]

**Plaintiff's Exhibit No. 55—Notice of Location of
Oscar Ohman to Water Right.**

Plff's. Exhibit No. 55. Received in Evidence.
Aug. 10, 1914. In cause No. 1074-A. J. W. Bell,
Clerk. By J. T. Reed, Deputy.

LOCATION NOTICE.

We, the undersigned hereby locate and claim this
stream of water called the "Snow Slide" Creek for
mining purposes.

This day the 5th of Feb., 1900.

OSCAR OHMAN.

Filed for record at 10:00 A. M. Feby. 6th, 1900,
and recorded in Book 8 of Placers, page 10.

NORMAN E. MALCOLM,
District Recorder.

NOTICE OF WATER LOCATION.

We, the undersigned, have this day located this
wat the amount of 200 inches on this gulch known as
Gross Bay *Gul* to be used for mining and milling on
Gross Bay mine situated on the north of Sheep Creek
wharf on Gastineau Channel in *Har* Mining District,
of Alaska.

Located this the 12th day of May, 1901.

L. G. BACH,
OSCAR OHMAN.

Filed for record at 5 P. M. May 13th, 1901, and re-
corded in *B* 8 of Placers, page 119.

HIRAM H. FOLSOM,
District Recorder. [1920]

United States of America,
Territory of Alaska,
Division No. One,—ss.

I hereby certify that the above and foregoing are true and correct copies of Location Notices of water rights as recorded in Book S, Page 10 of Placers, and Book 8, Page 119 of Placers, of the Records of the Juneau Recording District, Territory of Alaska, and the whole thereof.

Dated this 8th day of August, 1914.

JOHN B. MARSHALL,
U. S. Commissioner and ex-officio Recorder. [1921]

**Plaintiff's Exhibit No. 56—Notice of Location of
Falis Marchx of Water Right.**

Plffs. Exhibit 56. Received in Evidence. Aug.
10, 1914. In Cause No. 1074—A. J. W. Bell, Clerk.
By J. T. Reed, Deputy.

Douglas Island, Alaska.

Dear Sir:

Please record to my name 5 miners inches of water for family use and fire protection, 1500 feet from beach coming down the mountain passing 50 feet east from Armorary Hall, 150 feet west from story and a half house belonging to myself.

Please record it under the law which you know to be right and let me know the cost and I will send it by mail.

FALIS MERCKX.

Filed for record at 1:30 P. M. Feb. 19, 1902, and recorded in Book 8 Placers, page 211.

HIRAM FOLSOM,
District Recorder.

NOTICE OF WATER RIGHT.

The undersigned claims water running in this stream to the extent of 10 inches for family use and fire protection to be conveyed by pipe from this point about 1000 feet up the hill from the Bears Nest *stam* mill, running down passing about 50 feet west of Bears Nest *Stan* Mill.

Dated April 18th, 1902.

FALIS MARCKX,
Locator.

Witness

PETER COGGINS,
ISADORE DEMAN,
M. S. HUDSON.

Filed for record at 2 P. M. April 18, 1902, and recorded in Book 8 of Placers, page 231.

H. H. FOLSOM,
District Recorder. [1922]

United States of America,
Territory of Alaska,
Division No. One,—ss.

I hereby certify that the above and foregoing are true and correct copies of Location Notices of water rights as recorded in Book 8, Page 211, of Placers, and Book 8, Page 231 of Placers, of the records of the Juneau Recording District, Territory of Alaska, and the whole thereof.

Dated this 8th day of August, 1914.

JOHN B. MARSHALL,

U. S. Commissioner and ex-officio Recorder.
[1923]

**Plaintiff's Exhibit No. 57—Notice of Pisetta Noe
et al, of Claim of Water Right.**

Plffs. Exhibit No. 57. Received in evidence Aug.
10, 1914. In Cause No. 1074-A. J. W. Bell, Clerk.
By J. T. Reed, Deputy.

Juneau Recording District
District of Alaska.

July 7, 1908.

NOTICE OF CLAIM OF WATER RIGHT.

THE UNDERSIGNED being duly qualified,
claim the water flowing in this stream at the point of
diversion, to the full capacity of the flume at the
intersection of our intake, or box flume, with the
natural course of this stream; thence emptying into
our ditch and being therein conveyed to the beach
of Gastineau Channel; said stream being the third
“Snowslide” stream from the mountains from
Juneau to Sheep Creek on the northeasterly side of
said Gastineau Channel and about three miles south-
east of Juneau, District of Alaska.

Signed—PISETTA NOE,

Douglas, Alaska.

WM. N. C. WADDLETON,

Juneau, Alaska.

Filed for record at 2.30 P. M. Aug. 8, 1908, and recorded in Book 10 of Placers, page 138.

H. H. FOLSOM,
District Recorder.

LOCATION CERTIFICATE OF WATER RIGHT.
TO ALL TO WHOM THESE PRESENTS MAY
COME:

Know ye, that we, Chris Radmilovich and Noj Pizete of Douglas, Alaska, do hereby declare and publish as a legal notice to all the world that we, have a valid right to the occupation possession and enjoyment of all and singular, 500 inches of water of Crosscut Bay Creek in Harris Mining District, District of Alaska, about $2\frac{1}{2}$ miles northerly [1924] from Sheep Creek and emptying into Gastineau Channel the water to be delivered where the location notice & thereof is posted and the exclusive right of way for ditch and ditches for mining and milling purposes, for which said water has been appropriated, together with all and singular, the tenelements, hereditaments, and appurtenances thereunto belonging or in any wise appertaining.

Dated Feb. 15 1910.

CHRIS RADMILOVICH.
NOJ PIZETE.

Filed for record at 10:15 A. M. Feb. 16, 1910, and recorded in Book 10 of Placers, page 170.

HIRAM FOLSOM,
District Recorder. [1925]

United States of America,
Territory of Alaska,
Division No. One,—ss.

I hereby certify that the above and foregoing are true and correct copies of Location Notices of water rights as recorded in Book 10, Page 138 of Placers, and Book 10, Page 170 of Placers, of the Records of the Juneau Recording District, Territory of Alaska, and the whole thereof.

Dated this 8th day of August, 1914.

JOHN B. MARSHALL,

U. S. Commissioner and ex-officio Recorder.

[1926]

**Plaintiff's Exhibit No. 58—Notice of L. D. Mulligan,
of Water Right.**

Plffs. Exhibit 58. Received in evidence Aug. 10, 1914. In Cause No. 1074-A. J. W. Bell, Clerk. By J. T. Reed, Deputy.

Know all men by these presents: That I, L. D. Mulligan, of Alaska, a citizen of the United States and over the age of twenty one years, have appropriated and claimed 20,000 miners inches, of the waters of Gold Creek, near Juneau, Alaska to be used for milling, mining and other purposes.

Said water to be diverted from said Creek at a point indicated by this notice posted on a tree, and about one mile from the mouth of said Gold Creek.

2134 *Alaska-Juneau Gold Mining Company vs.*

Said water is to be diverted by ditch, pipe and flume.

L. D. MULLIGAN.

Dated Aug. 1st, 1910.

Filed for record at 11 A. M. Aug. 8, 1910, and recorded in Book 10 Placers, on page 178. [1927]

Notice is hereby given, that, whereas, the Alaska Juneau Gold Mining Company did, by its agent, L. D. Mulligan posting a notice claiming and appropriating 20,000 inches of water from the waters flowing in Gold Creek, which notice is in words and figures as follows:

Know all men by these presents; That I, L. D. Mulligan, of Alaska, a citizen of the United States and over the age of twenty one years, have appropriated and claimed 20,000 miners inches, of the water of Gold Creek, near Juneau, Alaska, to be used for mining milling and other purposes.

Said water to be diverted from said creek at a point indicated in this notice, posted on a tree, and about one mile from the mouth of said Gold Creek.

Said water to be diverted by ditch, pipe and flume.

Dated August 1st, 1910.

L. D. MULLIGAN.

And whereas, the said L. D. Mulligan acted as the agent of the undersigned in this connection who is now the owner and holder of said right so located by said Mulligan by virtue of such agency and by virtue of conveyances from said Mulligan:

Now, therefore, the undersigned, not waiving any of its rights or abandoning any of the rights belonging to it under and by virtue of said above de-

scribed notice and the work of diverting the water of Gold Creek appropriated by reason thereof, and done pursuant thereto but for the purpose of giving a more accurate and detailed description of the beneficial uses to which said water is to be used when diverted and applied under the aforesaid notice and of the means whereby the same is to be conveyed to such place of intended use, hereby post and records this additional and amended notice of appropriation of water, and gives notice to all persons whatsoever that it claims and appropriates under and by virtue of such original notice as well as this amended notice 20,000 miner's inches of the waters of [1928] Gold Creek measured under a four inch pressure for mining, milling power and other beneficial uses, to be diverted from said creek at a point at or near the place where this notice is posted the same being posted on the banks of Gold Creek about One mile and one eighth ($\frac{1}{8}$) above the town of Juneau about 500 feet below the ebner Mill and about 1250 feet above the Jualpa Dam and immediately at the point where the dam of the Alaska Juneau Gold Mining Company has been constructed and where the water is diverted under the above mentioned location notice, signed by L. D. Mulligan. The water so appropriated and claimed under said notice of L. D. Mulligan and hereunder is to be diverted from Gold Creek at that point, and conveyed by means of pipes, flumes, ditches and other means of conveyance, along a proposed route running above the southerly side of the Last Chance Basin and thence around Swede Hill to point at or

near Jorgenson saw mill, on the shore of Gastineau Channel, where the same is to be applied and used for the purpose of generating power and for other purposes to be used in connection with the operation of a stamp mill at or near that point, and a portion of the water so diverted and appropriated is to be used at a point on the Colorado Claim near Snow Slide Gulch for the purpose of driving a compressor plant at that point and for the purpose of generating power at that point and these waters so used on said Colorado Claim will be conveyed by a pipe flume, ditch along the route above indicated and taken from said pipe flume and ditch to the extent so necessary at said last mentioned place if used for the purpose of furnishing power at that point as above stated. The remainder of the waters carried not used at this point at any time to be applied in connection with the operation of the stamp mill to be built near the Jorgenson sawmill as above stated.

Notice is expressly given, that the undersigned has not abandoned or waived any of the rights acquired under and by virtue of the notice of said L. D. Mulligan or by virtue of any of the [1929] work that it has heretofore performed looking towards the diversion and appropriation of the waters of Gold Creek or any other right or rights whatsoever it has at this present time to the waters of said creek.

Posted on the ground this 8 day of May, 1911.

ALASKA JUNEAU GOLD MINING COMPANY.

By ROBT. A. KINZIE,
Agent and General Superintendent.

Filed for record at 4:45 P. M. May 8, 1911, and recorded in Book 10 of Placers, on page 195. [1930]

United States of America,
Territory of Alaska,
Division No. One,—ss.

I hereby certify that the above and foregoing are true and correct copies of Location Notices of water rights as recorded in Book 10, Page 178 of Placers, and Book 10, Page 195 of Placers, of the Records of the Juneau Recording District, Territory of Alaska, and the whole thereof.

Dated this 8th day of August, 1914.

JOHN B. MARSHALL,

U. S. Commissioner and ex-officio Recorder.
[1931]

**Plaintiff's Exhibit No. 59—Notice of W. R. Lindsey
of Water Right.**

Plff's. Exhibit No. 59. Received in evidence Aug. 10, 1914. In Cause No. 1074-A. J. W. Bell, Clerk. By J. T. Reed, Deputy.

NOTICE OF LOCATION.

Notice is hereby given that I the undersigned have this day located the right to use 20,000 miners inches of water, to be taken from this stream known as Nugget Creek,

That I reserve the right to dam said Creek at a point near the lower end of this basin known as the

Upper Basin of said Creek and to use said basin as a storage reservoir.

W. R. LINDSAY,
Locator.

Located August 1, 1910.

Witness:

K. L. CARPENTER.

Filed for record at 3:10 P. M. Sept. 24, 1910, and recorded in Book 10 of Placers, on page 185. [1932]

COPY OF Notice of Appropriation of Water Under Name of "Mendenhall Water Right" in Harris Mining District, Tongass National Forest, in the District of Alaska.

KNOW ALL MEN BY THESE PRESENTS: That we, ALASKA TREADWELL GOLD MINING COMPANY, A corporation organized and existing under the laws of the State of Minnesota, ALASKA MEXICAN GOLD MINING COMPANY, a corporation organized and existing under the laws of the State of Minnesota, and ALASKA UNITED GOLD MINING COMPANY, a corporation organized and existing under the laws of the state of West Virginia, each of which is organized for the purpose of mining, smelting, reducing, refining and working gold and other ores, and doing all things necessary or incidental thereto, and have for many years last past worked their respective mines on Douglas Island in the District of Alaska and have each fully complied with all the laws of the District of Alaska governing foreign corporation, and are each entitled to operate and to do business as a foreign corpora-

tion in the District of Alaska, and have on this day made the following appropriation of water in and location of a right to the waters of this stream, known as Glacier River or Nugget Creek, and hereinafter designated as "Stream."

1st. That we hereby appropriate and locate twenty thousand miners inches of the waters flowing in said stream measured under a six inch pressure, or its equivalent, thirty thousand cubic feet per minute.

2nd. That the point of diversion of the waters so appropriated and located to be at a point opposite this notice which is placed on a stake four inches in diameter and four feet high, standing on the bank of the stream at high water, about six hundred feet above the point at which the stream goes beneath Mendenhall Glacier the point of Rocky Bluff bearing North fifty [1933] degrees West one hundred and fifty feet.

3rd. That we propose to divert said twenty thousand miners inches, or thirty thousand cubic feet per minute, of water by means of a dam put across the stream, or by excavating in the bank thereof, of a ditch or canal to a level below the bed of the stream, or by both such dam and excavation.

4th. That we propose to conduct the waters so appropriated, located, and diverted through a canal or ditch, flume and pipe to the place of its use, at a point on or near the left bank of the stream, about one mile below the point of diversion which point of use will be about half a mile below where the stream comes from under the Mendenhall Glacier.

5th. That we intend to use the water so appropriated, located, diverted and conducted from the stream and in running and operating dynamos, developing and generating electricity with water wheels, and conveying such electricity, for non-commercial purposes, by electric lines for mining and smelting, reducing, refining, and working gold and other ores at our respective mines on Douglas Island in the District of Alaska.

6th. That we hereby reserve the right to change the place of diversion, if others are not injured by such change, and to extend the canal or ditch, flume and pipe by which diversion is made, to a place or places beyond that where the first use of the water is made.

IN WITNESS WHEREOF, we have, by resolutions of our Respective Boards of Directors, caused this notice to be signed in our corporate names by our respective Presidents and Secretaries thereunto duly authorized, and our corporate seals to be hereunto affixed, this 13th day of June, 1911. [1934]

Seal — ALASKA TREADWELL GOLD
MINING COMPANY.

By H. H. TAYLOR, President.

By F. A. HAMMERSMITH, Secretary.

Seal—ALASKA MEXICAN GOLD MIN-
ING COMPANY.

By H. H. TAYLOR, President.

By F. A. HAMMERSMITH, Secretary.

Seal—ALASKA UNITED GOLD MINING
COMPANY.

By H. H. TAYLOR, President.

By F. A. HAMMERSMITH, Secretary.

Filed for record at 3:15 P. M. June 19, 1911, and recorded in Book 10 of Placers on page 198. [1935]

United States of America,
Territory of Alaska,
Division No. One,—ss.

I hereby certify that the above and foregoing are true and correct copies of Location Notices of water rights as recorded in Book 10, Page 185, of Placers, and Book 10, Page 198 of Placers, of the Records of the Juneau Recording District, Territory of Alaska, and the whole thereof.

Dated this 8th day of August, 1914.

JOHN B. MARSHALL,
U. S. Commissioner and ex-officio Recorder. [1936]

**Plaintiff's Exhibit No. 60—Notice of The Howell
Gold Mining Co. of Pre-emption of Right of
Way and Location of Water.**

Plffs. Exhibit No. 60. Received in Evidence.
Aug. 10, 1914. In Cause No. 1074—A. J. W. Bell,
Clerk. By J. T. Reed, Deputy.

2000 inches Water.

Pre-emption of right of way, and location of water.

To whom these presents may concern, know ye, that I, F. D. Nowell of the Harris Mining District, District of Alaska, a citizen of the United States, the agent of the Nowell Gold Mining Company, do hereby declare and publish as a legal notice to all the world that the said Company claims and has a valid right to the occupation, possession and enjoyment of all and singular that tract or parcel of land lying and

being in the Harris Mining District, District of Alaska, for the exclusive right of way for the purpose of constructing a pipe flume or water ditch from Gold Creek to the Company's 20 stamp mill and more particularly described as follows:

Commencing at this notice being placed on the west bank of Gold Creek about 500 feet above the confluence of Gold and Granite Creeks and running thence down said Gold Creek a distance of 3000 feet more or less to the 20 stamp mill owned by said Company situate about 1000 feet below the mouth of the Silver Bow Basin Tunnel.

The said company also claims and has a valid right to the enjoyment and use of 2000 miner's inches of water from said Creek for mining purposes to be conveyed through such pipes, flumes or water ditches to said 20 stamp mill, together with all and singular the hereditaments thereunto belonging or in any wise appertaining.

Witness my hand and seal this 1st day of September A. D. 1892.

Notice posted at stream this 1st day of September, 1892.

Ditch commenced at stream this 1st day of September, 1892.

THE NOWELL GOLD MINING CO.,

Locator.

By F. D. NOWELL, Agent. [1937]

Juneau City,

District of Alaska,—ss.

On this 6th day of Oct. 1892, before me a U. S. Commissioner for Juneau City, District of Alaska,

aforesaid, personally appeared F. D. Nowell, Agent for the Nowell Gold Mining Co. to me personally known to be the person who executed the foregoing instrument, and acknowledged that he executed the same for the purposes therein set forth, in behalf of said Nowell Gold Mining Company.

Witness my hand and official seal.

W. R. HOYT.

This 6th day of Oct. A. D. 1892.

U. S. Com,
Court Seal.

Filed for record at 9 A. M. Oct. 6, 1892, and recorded in Book L of Placers on page 279.

W. R. HOYT,

District Recorder. [1938]

NOTICE OF LOCATION WATER RIGHT ON GOLD CREEK.

Pre-emption of Right of Way and Location of Water.

To whom these presents may concern, Know ye that I Thomas S. Nowell of the Harris Mining Dist. Dist. of Alaska, a citizen of the United States, do hereby declare and publish as a legal notice to all the world, that I claim and have a valid right to the occupation, possession and enjoyment of all and singular that tract or parcel of land lying and being in the Harris Mining Dist. Dist. of Alaska, for the exclusive right of way for the purposes of constructing a pipe flume and water ditch from Gold Creek to the Alaska Chief Mill Site, situate on the north side Gold Creek below Cape Horn and more particularly described as follows. Beginning at a point on the North Side Gold Creek on the lower line of the

Outlet Placer Claim, above the Webster Dam, Thence along the North Westerly side of Gold Creek and nearly parallel with the Johnson Road about 3200 feet more or less to the Alaska Chief Mill Site The said Thomas S. Nowell also claims and has a valid right to the enjoyment and use of One Thousand miner's inches of water from said Creek for mining power purposes to be conveyed through such pipes, flumes or water ditches to said mill site, together with all and singular or in any wise appertaining.

Witness my hand and seal this 12th day of August, A. D. 1893. Notice posted on stream this 2nd day of August, 1893. Ditch commenced at stream this 12th day of August, 1893.

Locator,
THOMAS S. NOWELL.

Juneau City,
Dist. of Alaska,—ss.

On this 12th day of August, 1893, before me a United States Commissioner for Juneau City, Dist. of Alaska aforesaid personally [1939] appeared Thomas S. Nowell to me personally known to be the person who executed the foregoing written instrument, and acknowledged that he executed the same for the purposes therein set forth.

Witness my hand and official seal this 12th day of August A. D. 1893.

W. R. HOYT,
U. S. Commissioner for Alaska.

U. S. Com.
Court Seal.

Filed for record at 10:10 A. M. Aug. 12th, 1893,
and recorded in Book L. Placers on page 302.
[1940]

United States of America,
Territory of Alaska,
Division No. One,—ss.

I hereby certify that the above and foregoing are
true and correct copies of Location Notice of water
rights as recorded in Book 4, Page 279, of Placers,
and Book 4, Page 302, of Placers, of the records of
the Juneau Recording District, Territory of Alaska,
and the whole thereof.

Dated this 8th day of August, 1914.

JOHN B. MARSHALL,
U. S. Commissioner and Ex-officio Recorder. [1941]

**Plaintiff's Exhibit No. 61—Notice of Location of
Thos. S. Nowell of Pre-emption of Right of Way
for Ditch and Location of Water.**

Plffs. Exhibit No. 61. Received in evidence.
Aug. 10, 1914. In Cause No. 1074-A. J. W. Bell,
Clerk. J. T. Reed, Deputy.

WATER LOCATION.

District of Alaska,
Juneau Recording District,—ss.

The within instrument was filed for record at 8:50
o'clock A. M. May 31st, 1888, and duly recorded in
Book 1 placer on page 144 of the records of said
District.

LOUIS L. WILLIAMS,
District Recorder.

Pre-emption of Right of Way for Ditch and Location
of Water.

To whom these presents may concern know ye that I Thos. S. Nowell of Harris Mining District District of Alaska a citizen of the U. S. do hereby declare and publish as a legal notice to all the world that I claim and have a valid right, to the occupation possession and enjoyment of all and singular that tract or parcel of land lying and being in the Harris Mining District in the District of Alaska for the exclusive right of way for the purpose of constructing a ditch or pipe line to carry water from Gold Creek to the Ground Hog and Summit Hill Mill Sites more particularly described as follows, commencing at this point on Gold Creek at a stake set in bank on East side of said creek distant $\frac{1}{2}$ mile more or less above and up said creek from said mill sites and running thence down and parallel with said creek to said Mill Sites, I also claim and have a valid right to the enjoyment and use of 500 miners inches of water from said creek for mill purposes to be conveyed through such flumes or pipes to said mill sites with all and singular the hereditaments and appurtenances thereunto belonging or in anywise appertaining.

Witness my hand and seal this 17th day of May 1888.

Locator,

THOMAS S. NOWELL. (Seal)

Notice posted on claim the 17th day of May, 1888.

Juneau City,
District of Alaska,—ss.

On this 31st day of May 1888, before me a U. S. Commissioner for Juneau in the District of Alaska aforesaid personally appeared T. S. Nowell to me personally known to be the person [1942] who executed the foregoing written instrument and acknowledged that he executed the same for the purposes therein set forth,

Witness my hand and official seal this 31st day of May A. D. 1888.

(Seal)

LOUIS L. WILLIAMS,
U. S. Commissioner. [1943]

WATER LOCATION.

Pre-emption of Right of Way for Ditch or Flume
and Location of Water.

To whom these presents may concern Know ye that I Thos. S. Nowell of Harris Mining District, District of Alaska, a citizen of the U. S. do hereby declare and publish as a legal notice to all the world that I claim and have a valid right to the occupation possession, and enjoyment of all and singular that tract or parcel of land lying and being in the Harris Mining District, District of Alaska for the exclusive right of way for the purpose of constructing a pipe flume or water ditch from Gold Creek to the Ground Hog Mill site more particularly described as follows commencing at a point on said Gold Creek about fifty (50) feet below the Johnson Mill and running thence along the right hand bank down said creek on a proper grade to a reservoir to be constructed

about opposite the confluence of Snow Slide Gulch with said Gold Creek and thence to be conveyed in an iron pipe from said reservoir across said Gold Creek to the said Ground Hog Mill Site, a total distance of (2500) feet more or less. I also claim and have a valid right to the enjoyment and use of 500 miners inches of water from said Gold Creek for mining purposes to be conveyed through such flumes pipes or water ditches to said mill site, together with all and singular the hereditaments and appurtenances thereunto belonging or in anywise appertaining. Witness my hand and seal this 16th day of August A. D. 1888. Notice posted on said creek this 9th day of August, 1888.

THOMAS S. NOWELL,
Locator.

Juneau City,
District of Alaska,—ss.

On this 16th day of August A. D. 1888 before me a U. S. Commissioner for Juneau City District of Alaska aforesaid personally appeared Thos. S. Nowell to me personally known to be the [1944] person who executed the foregoing written instrument and acknowledged that he executed the same for the purposes therein set forth. Witness my hand and official seal this 16th day of August A. D. 1888.

(Seal)

LOUIS L. WILLIAMS,
U. S. Commissioner.

Filed for record at 10 A. M. August 17th, 1888, and recorded in Book L. Placer on page 156.

LOUIS L. WILLIAMS,
District Recorder. [1945]

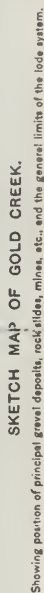


United States of America,
Territory of Alaska,
Division No. One,—ss.

I hereby certify that the above and foregoing are true and *et* copies of Location Notices of water rights as recorded *ok* 3, Page 144, of Placers, and Book 3, Page 156, *acers*, of the records of the Juneau Recording District, *ory* of Alaska, and the whole thereof.

ated this 8th day of August, 1914.

JOHN B. MARSHALL,
U. S. Commissioner and Ex-officio Recorder. [1947]



SKETCH MAP OF GOLD CREEK.



Plaintiff's Exhibit No. 65—Complaint in No. 804—A.

In the District Court for the District of Alaska, Division No. One, at Juneau.

No. 804—A.

H. T. TRIPP,

Plaintiff,

vs.

ALASKA-JUNEAU GOLD MINING COMPANY, a Corporation, ALASKA TREADWELL GOLD MINING COMPANY, a Corporation, O. M. HARRY and R. G. Datson,
Defendants.

Complaint.

Comes now the above-named plaintiff and complaining of the above-named defendants, and for cause of action alleges:

I.

That the defendants Alaska-Juneau Gold Mining Company and Alaska-Treadwell Gold Mining Company are corporations doing business in the District of Alaska.

II.

That the above-named plaintiff by reason of prior appropriation, prior discovery, staking out, posting and recording of notices and full compliance with the laws of the United States and the local rules, customs and regulations in the holding and acquiring of title to United States mineral lands, and by reason of purchase and mesne conveyances, is now, and at all times hereinafter mentioned was, the

owner and entitled to the possession as against all persons and corporations except the United States of America, of the following described lode mining claims and placer mining claims, viz:

The Taku Queen Lode Mining Claim bounded on the northeast by Parish No. 1 and Parish No. 2 lode mining claims; on the [1950] south by the Colorado Lode Mining Claim, Survey No. 641, patented; on the southwest by the Last Chance Placer Mining Claim, Survey No. 142; on the northwest by the Cape Horn No. 1 Lode and Auk Chief Lode Mining Claim: Said Taku Queen lying and being on Gold Creek, in the Harris Mining District, District of Alaska:

Also the Auk Chief Lode Mining Claim, on Gold Creek, in said Harris Mining District, District of Alaska, more particularly described as follows, viz: Commencing at Discovery Point, the center of the vein or claim upon which notice is posted; thence 1500 feet northwest to a post marked Northwest center end; thence 300 feet south to a post marked southwest corner; thence 1500 feet southeast to a post marked S. E. center end; thence 300 feet south to a post marked S. E. corner; thence 300 feet north to a post marked N. E. end; thence 300 feet south to stake and notice center end. Said claim lying on the North side of the creek about 400 feet from the end lines of the Last Chance Placer Mining Claim. Said Auk Chief Lode Mining Claim lying adjacent to and Northerly of the Taku Queen Lode Mining Claim:

Also the Mary Alice Placer Mining Claim, situate

on Gold Creek, in said Harris Mining District District of Alaska, and more particularly described as follows, viz: Commencing at discovery on bed of Gold Creek from whence Corner No. 5 of Colorado Lode Mining Claim, (patented), Survey No. 641 bears S. 32° 45' W. 2231½ feet distant; thence following the meanders of said Gold Creek down stream in a southwesterly direction 2231½ feet to said Cor. No. 5 of said Colorado Lode, Survey No. 641, together with 300 feet on each side of the *thread* of said Gold Creek; and in a northeasterly direction up stream from said point of discovery following the meanders of said Gold Creek 1096½ feet to point of intersection of the southwest side line of Lotta Lode Mining Claim (patented), together with 300 feet on each side of *thread* of stream of said Gold Creek. [1951]

III.

That there is flowing in, upon and over said mining claims a body of water known as Gold Creek, the water of which creek is valuable for the purpose of mining said claims.

IV.

That while the plaintiff was so seized and possessed of the said mining claims, and each of them, the defendants on the 28th day of July, A. D. 1910, and without right, title or interest entered into possession of said premises and erected a house thereon, and are clearing up and building trails in and upon said above described mining claims and property and have ousted and ejected plaintiff therefrom and are now unlawfully withholding the pos-

session thereof from this plaintiff to his damage in the sum of Five Hundred Dollars.

WHEREFORE, plaintiff prays judgment against the defendants and each of them.

1. For the recovery of the possession of the premises herein described.

2. For the sum of \$500 damages herein, and

3. For costs and disbursements of this action.

WINN & BURTON,
Attorneys for Plaintiff.

United States of America,
District of Alaska,—ss.

I, Newark L. Burton, being first duly sworn, on oath say: That I am one of the attorneys for plaintiff in the above entitled action; that I have read the foregoing complaint and know the contents thereof, and believe the same to be true; that I make this verification because the plaintiff is without the 1st Judicial Division of Alaska, and I am familiar with the facts and matters alleged in said complaint by reason of having [1952] examined the records and files in the Recorder's office at Juneau, Alaska,

NEWARK L. BURTON.

Subscribed and sworn to before me this 25 day of Aug. 1910.

[Notarial Seal.]

JNO. R. WINN,
Notary Public for Alaska. [1953]

TOPOGRAPHIC MAP
OF
EAGLE RIVER REGION
ALASKA

Alfred H. Brooks, ecologist in charge of the
 Survey by J. W. Bailey, C. E. Griffin, and R. L. Williams
 Conducted by J. W. Bailey and C. E. Griffin and Carolyn Turner
 Summer 1959-1960

[illegible]

PSYCHOLOGICAL SURVEY
SMITH, DETECTOR

BULLETIN 502 PLATE 1

107K-2

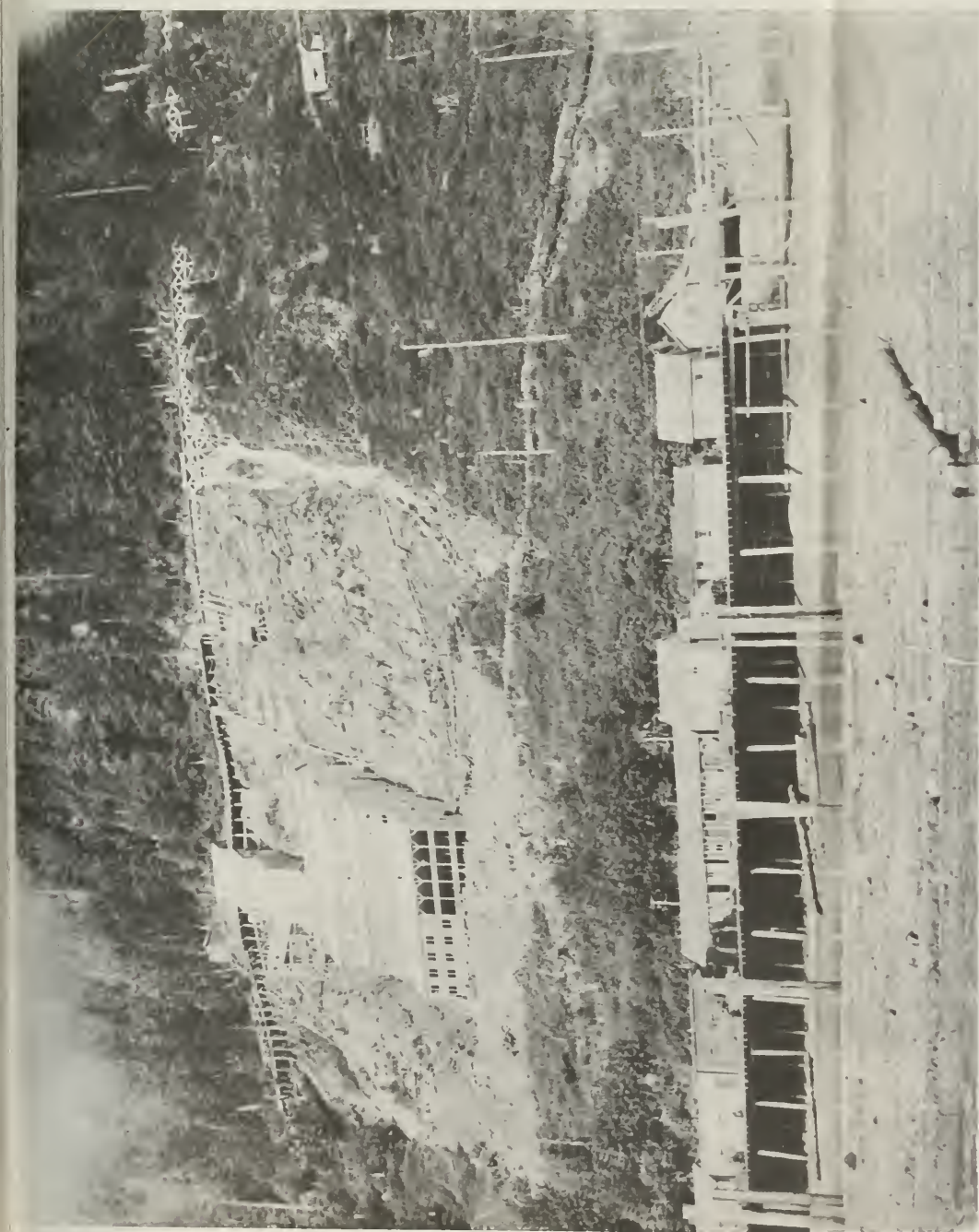
BEKNES
BAY

$$L \quad Y \quad N \quad N \quad C \quad A \quad N \quad A \quad L$$
[illegible]

PLANTING

U N I T A 3

U O L A 3



DEFENDANT'S EXHIBIT #7
For Grant

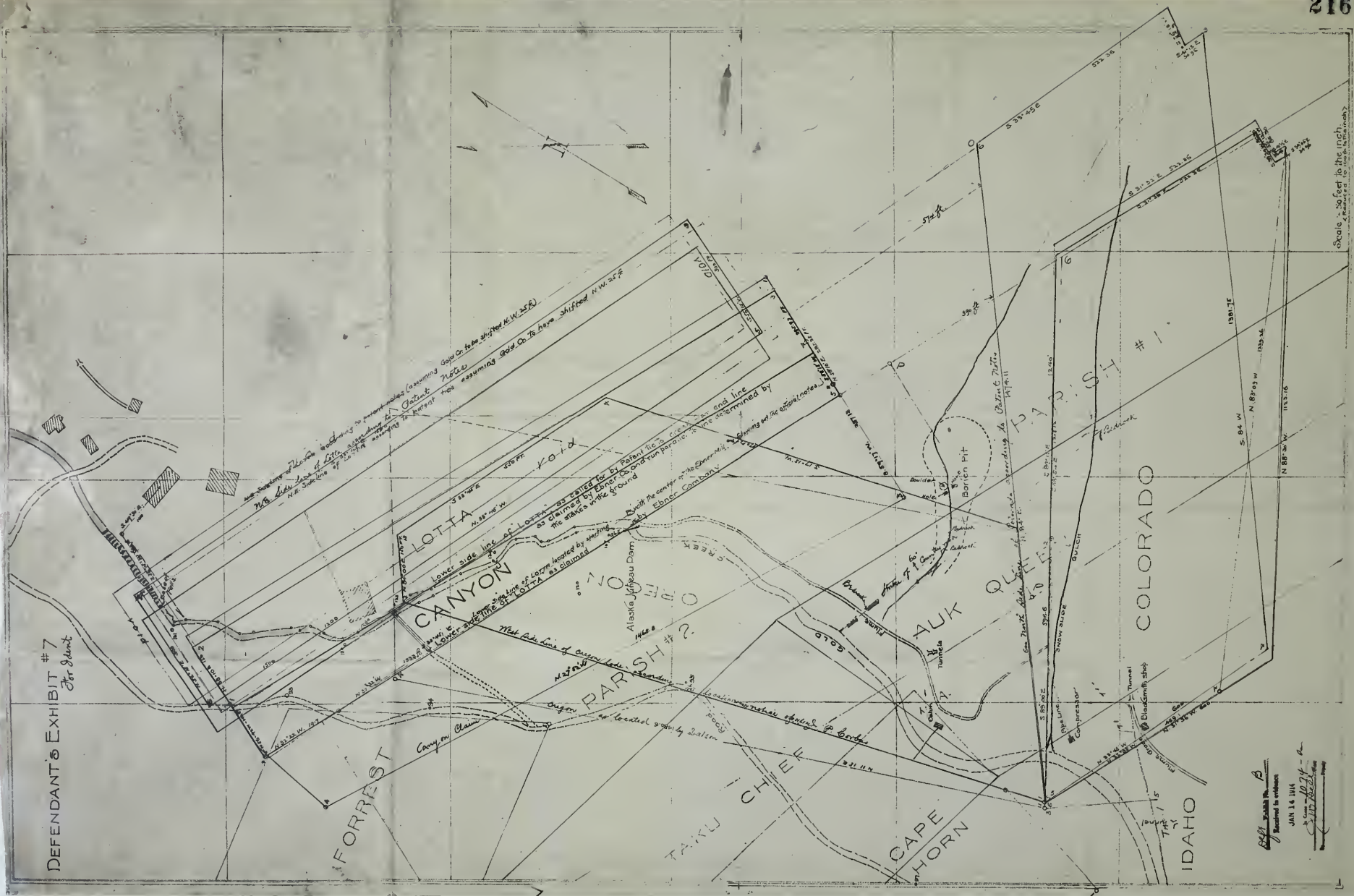


EXHIBIT #7
JAN 14 1916
S. W. 10-14-16
C. W. 10-14-16

Scale - 1 inch = 1 mile

**Defendant's Exhibit "D"—Letter, Oct. 19, 1909,
F. L. Underwood to H. T. Tripp.**

**THE CALIFORNIA-NEVADA COPPER COM-
PANY.**

115 Broadway, New York.

October 19th, 1909.

H. T. Tripp, Esq.,
Juneau, Alaska.

Dear Sir:—

I have been industriously working to get a large amount of working capital so that our minds could be at rest as to how much we could spend and soon could determine where our expenditure should best be made.

I now have as definite a promise of working capital as we will ever get. The arrangement should be concluded in a very few days.

I want you to find now the best millsite you can for the Ebner property as things now stand, for as I said no arrangement can be made for the Jualpa placer, and we want to get something fixed and probably everything will be worked in the Gold Creek Basin where we will build a 200 stamp mill next year. When you have settled on the spot for the mill, you can plan your tunnel, winze, etc. If my plans carry I can soon get out to you.

Very truly yours,

F. L. UNDERWOOD. [1957]

**Defendant's Exhibit "C"—Location of H. T. Tripp
of Water Right.**

LOCATION OF WATER.

Notice is here by given to all whom it may concern that I the undersigned claim 10 thousand miners inches of the water flowing in this creek or any part of 10 thousand miners inches that may be flowing at any season of the year to be conveyed by ditch flume or pipe along the bank of gold creek on the south-erly side or to cross the creek with pipe or flume or both to any place on the property known as the Ebner mine or to carry across or farther than the limits of the said mine property. This location is made on the ground this day and date and is posted at the place known as the Ebner Dam about $1\frac{3}{4}$ miles up from Juneau Alaska on Gold Creek.

Dated this 20th day of June, 1910.

Time 7:30 A. M.

Locator—H. T. TRIPP.

Witness:

JOHN SOINI. [1958]

**Defendant's Exhibit "F"—Letter, Sept. 25, 1909,
H. T. Tripp to Wm. M. Ebner.**

Juneau, Alaska.

Sept. 25th, 1909.

Wm. M. Ebner, Esq.,

Juneau, Alaska.

Dear Sir:—

In consideration of a communication, bearing even date with this letter, has been received by me, set-

ting forth that you are the owner of one Lode Claim called "Cape Horn Number Two," and located in Julapa Basin and joining "Cape Horn" Claim on the Southwest.

Having in company with you selected a location which we have jointly agreed upon as being the proper location for a tunnel to the Ebner Mines. Being desirous of having assessment work done in a proper place, where it will be a benefit for the "Cape Horn" Claim, the "Cape Horn Number Two" and the "Eureka" Claim, as well as for the common benefit of all mines Northerly and Easterly from this point on the Juneau Belt.

As the Agent for the California Nevada Copper Co., and F. L. Underwood, I agree to do this assessment work, amounting to three hundred (\$300.00) dollars, for the special benefit of the three claims, "Cape Horn," "Cape Horn Number Two" and "Eureka," for the year 1909.

Respectfully yours,

H. T. TRIPP. [1959]

**Defendant's Exhibit "E"—Letter, Sept. 25, 1909,
Wm. M. Ebner to H. T. Tripp.**

Juneau, Alaska,

Sept. 25th, 1909.

H. T. Tripp,

Supt. Calif. Nevada Copper Co., and

F. L. Underwood,

Juneau, Alaska.

Dear Sir:—

In view of the fact that F. L. Underwood holds in

escrow one certain deed conveying one "Cape Horn" and "Eureka" Lode Claims, upon which the assessment work for the year 1909 must be performed for the purpose of holding the same and complying with the law, and for the further fact that said F. L. Underwood has agreed to do said assessment work.

I being the owner of one Lode Claim called the "Cape Horn Number Two," and the proper place for starting a long working tunnel. I make to you the following proposition: That all the assessment work for these three claims, "Cape Horn," "Eureka" and "Cape Horn Number Two" be performed in starting this tunnel. I would further state that negotiations are now pending for the transfer of "Cape Horn Number Two" to said F. L. Underwood. It is the intention that in the final settlement "Cape Horn Number Two" will be transferred to said F. L. Underwood.

Yours Respectfully,

WM. M. EBNER. [1960]

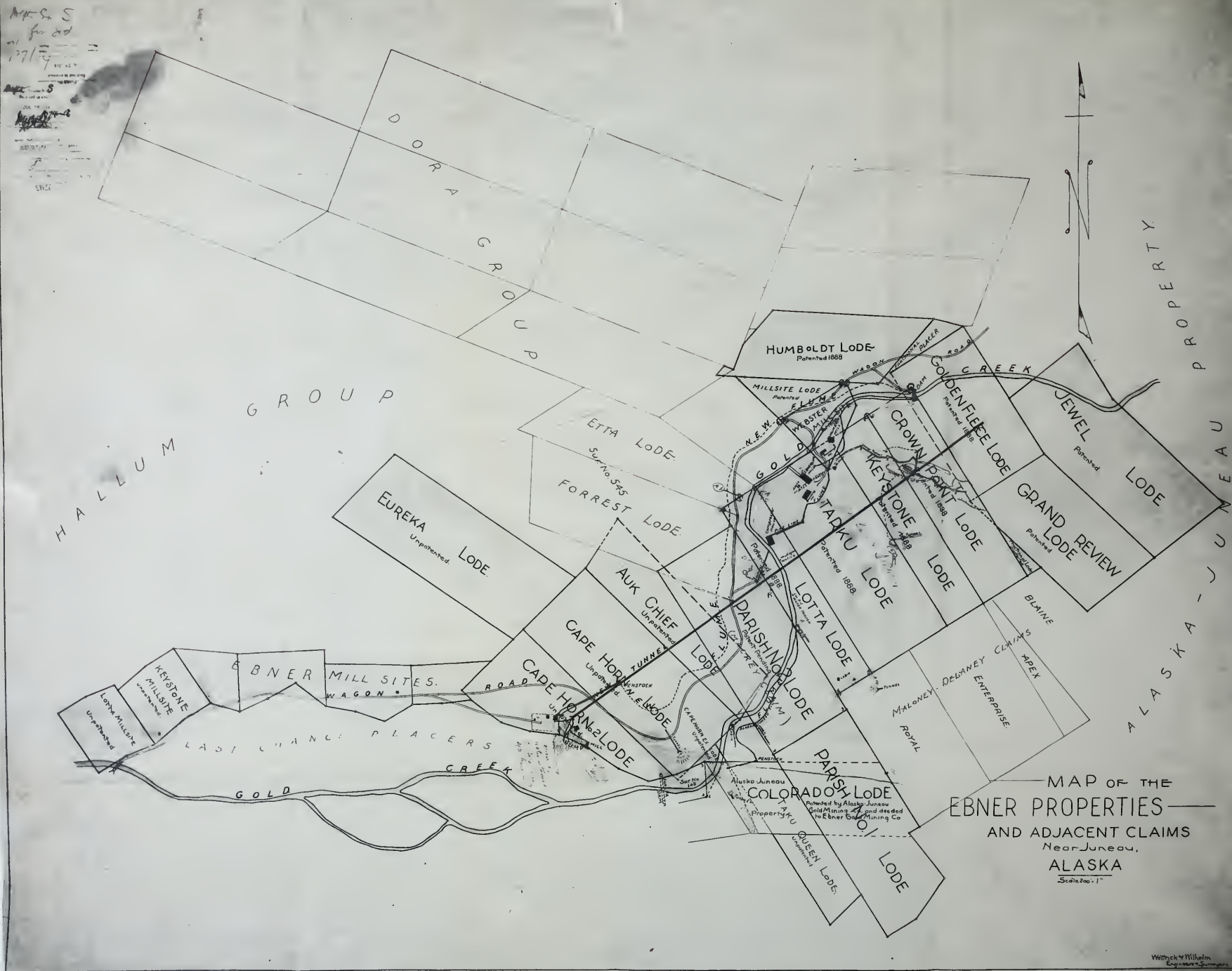


Exhibit No. *7*
Received in evidence

JUL 28 1914

In Charge of *1074*
By *J. T. Ross* Clerk
J. T. Ross Deputy



Page B 835

Certificate
U.S. Surveyor General's Office
Juneau, Alaska.
May 23, 1911.

I hereby certify that the map hereon delineated is a full, true and correct copy of the original and approved plat of the survey of said tract on file in this office.

Wm. L. Distin
U.S. Surveyor General for Alaska

Scale
100 ft. to the inch

0 400 800
FEET.



**Defendant's Exhibit "U"—U. S. Patent Samuel
Coulter.**

[U. S. Patent for Samuel Coulter.] [1771]

U. S. PATENT FOR SAMUEL COULTER.

District of Alaska,

Juneau Recording Dist.—ss.

The within instrument was filed for record at 11:10
o'clock May 5, 1890, and duly recorded in Book "K"
on page 143 of the records of said Dist.

LOUIS L. WILLIAMS,

District Recorder.

General Land Office.

Mineral Certificate.

No. 15,564,

No. 16.

THE UNITED STATES OF AMERICA.

To all to whom these Presents shall come, GREET-
ING:

WHEREAS, in pursuance of the provisions of the
Revised Statutes of the United States, Chapter Six,
Title Thirty-two, and the legislation supplemental
thereto, there has been deposited in the General
Land Office of the United States the Plat and Field
Notes of Survey and the Certificate No. 16 of the
ex-officio Register of the Land Office at Sitka,
Alaska, accompanied by other evidence whereby it
appears that Samuel Coulter did, on the Tenth day
of June, A. D. 1889, duly enter and pay for that cer-
tain mining claim or premises, known as the Lotta,
Takou Gold and Silver, Keystone, Crown Point,
Golden Fleece, Grand Review and Jewel Lode Min-
ing Claims, designated by the ex-officio Surveyor
General as Lots Nos. 87, 88, 89, 90, 91, 92 and 93 re-

spectively, in the Harris Mining District, in Alaska, in the District of Lands subject to sale at Sitka, and bounded, described and platted as follows, with Magnetic Var [1772] iation [1964] thirty degrees east.

Beginning for the description of Lot No. 87, at a post marked No. 1, U. S. Survey No. 87.

Thence, first course, North fifty six degrees and fifteen minutes east one hundred and fifty feet to a post marked No. 2, U. S. Survey No. 87.

Thence, second course, south thirty-three degrees and forty five minutes east one thousand five hundred feet to a post marked No. 3 U. S. Survey No. 87. [1626]

Thence, third course south fifty six degrees and fifteen minutes west one hundred and fifty feet to a post marked No. 4, U. S. Survey No. 87, three hundred feet to a post marked No. 5 U. S. Survey No. 87.

Thence, fourth course, North thirty three degrees and forty five minutes west one thousand five hundred feet to a post marked No. 6 U. S. Survey No. 87.

Thence, fifth course, north fifty six degrees and fifteen minutes east one hundred and fifty feet to post No. 1, the place of beginning said Lot No. 87 extending one thousand five hundred feet in length along said Lotta vein or lode and containing ten acres and thirty three hundredths of an acre.

Beginning for the Description of Lot No. 88 at a post marked No. 1 U. S. Survey No. 88, from which a ten stamp mill bears south forty nine degrees and thirty minutes east one hundred and forty ~~six~~ feet distant.

Thence, first course, north fifty six degrees and fifteen minutes east one hundred and twenty seven and eighty-five hundredths feet intersect the southwest boundary line of Lot No. 76 B. at North forty five degrees west one hundred and seventy four and [1965] nine tenths feet from post No. 1 of said claim, three [1773] hundred feet to a post marked No. 2, U. S. Survey No. 88.

Thence, second course, south thirty three degrees and forty five minutes east seventy nine and three tenths feet intersect southeast boundary line of said Lot No. 76 B at north twenty two degrees and thirty minutes east one hundred and sixty six feet from post No. 1 of said claim, eight hundred feet to a point from which tunnel No. 1 bears south nineteen degrees east thirty five feet distant, and tunnel No. 2 bears south seventy degrees east seventy feet distant one thousand five hundred feet to a post marked No. 3, U. S. Survey No. 88.

Thence, third course, south fifty six degrees and fifteen minutes west three hundred feet to a post marked No. 4 U. S. Survey No. 88, from which a tunnel bears north thirteen degrees west two hundred and thirty one feet distant, six hundred feet to a post marked No. 5 U. S. Survey No. 88, being also post No. 3 of Lot No. 87, hereinbefore described. [1627]

Thence fourth course, north thirty three degrees and forty-five minutes west one thousand five hundred to a post marked No. 6 U. S. Survey No. 88, being also post No. 2 of said Lot No. 87.

Thence, fifth course, north fifty six degrees and

fifteen minutes east three hundred feet to post No. 1, the place of beginning; said Lot No. 88 extending one thousand five hundred feet in length along said Takou Gold and Silver vein or lode, and containing exclusive of the conflict with said Lot No. 76 B, twenty acres and twenty hundredths of an acre. [1966]

[1774] Beginning for the description of Lot No. 89, at a post marked No. 1 U. S. Survey No. 89.

Thence, first course, north fifty six degrees and fifteen minutes east one hundred and fifty feet to a post marked No. 2, U. S. Survey No. 89.

Thence, second course south thirty three degrees and forty five minutes east one thousand five hundred feet to a post marked No. 3 U. S. Survey No. 89.

Thence, third course, south fifty-six degrees and fifteen minutes west one hundred and fifty feet to a post marked No. 4 U. S. Survey No. 89, three hundred feet to a post marked No. 5, U. S. Survey No. 89, being also post No. 3 of Lot No. 88, hereinbefore described.

Thence, fourth course, north thirty three degrees and forty five minutes west one thousand four hundred and twenty feet and seven tenths feet intersect south east boundary line of said Lot No. 76 B. one thousand five hundred feet to a post marked No. 6 U. S. Survey No. 89; being also post No. 2, of said Lot No. 88.

Thence, fifth course, north fifty six degrees and fifteen minutes east one hundred and eighteen and sixty five hundredths feet intersect south east boundary line of said Lot No. 76 B. at North twenty two

degrees and thirty minutes east three hundred and eight and seven tenths feet from post No. 1 of said claim, one hundred and fifty feet to post No. 1, the place of beginning, said Lot 89 extending one thousand five hundred feet in length along said Keystone vein or lode and containing, exclusive of the conflict with said Lot No. 76 B ten acres and twenty [1967] two hundredths of an acre. [1628] [1775]

Begining for the description of Lot No. 90, at a post marked No. 1 U. S. Survey No. 90.

Thence first course, north fifty six degrees and fifteen minutes east one hundred and fifty feet intersect west side line of Lot No. 91, hereinafter described, at north thirty three degrees and forty five minutes west eight hundred and seventy eight feet from post No. 5 of said claim, two hundred and twelve feet to a post marked No. 2 U. S. Survey No. 90, from which U. S. Mineral Monument No. 2 bears south sixty five degrees and thirty seven minutes east six thousand five hundred and thirty and six tenths feet distant.

Thence, second course, south thirty three degrees and forty five minutes east eight hundred and seventy eight feet intersect south end line of said Lot No. 91, at north fifty six degrees and fifteen minutes east, sixty two feet from post No. 5 of said claim, one thousand one hundred and ten and two tenths feet intersect west side line of Lot No. 92, hereinafter described, at south forty eight degrees and forty two minutes east two hundred and forty and three tenths feet from post No. 6 of said claim, one thousand five hundred feet to a post marked No. 3,

U. S. Survey No. 90.

Thence, third course, south fifty six degrees and fifteen minutes west two hundred and twelve feet to a post marked No. 4 U. S. Survey No. 90, three hundred and sixty two feet to a post marked No. 5 U. S. Survey No. 90, being also post No. 3 ~~U. S. Survey~~ of Lot No. 89, hereinbefore described. [1968]

[1776] Thence fourth course, north thirty three degree and forty five minutes west one thousand five hundred feet to a post marked No. 6, U. S. Survey No. 90, being also post No. 2 of said Lot 89.

Thence, fifth course, north fifty six degrees and fifteen minutes east one hundred and fifty feet to a post No. 1, the place of beginning; said Lot No. 90 extending one thousand five hundred feet in length along said Crown Point vein or lode and containing exclusive of the conflict, with said Lots Nos. 91 and 92, eleven acres and six hundredths of and acre.

Beginning for the description of Lot No. 91, at a post marked No. 1 U. S. Survey No. 91. [1629]

Thence, first course, north fifty six degrees and fifteen minutes east three hundred feet to a post marked No. 2, U. S. Survey No. 91.

Thence, second course, south thirty three degrees and forty five minutes east five hundred and ninety feet to post No. 8 of Lot No. 93 hereinafter described, one thousand and forty feet to a post marked No. 3, U. S. Survey No. 91, being also post No. 2 of said Lot No. 92.

Thence, third course, south fifty six degrees and fifteen minutes west three hundred feet to a post marked No. 4, U. S. Survey No. 91, five hundred and

thirty eight feet intersect east side line of said Lot No. 90, six hundred feet to a post marked No. 5 U. S. Survey No. 91.

Thence fourth course, north thirty three degrees and forty five minutes west eight hundred and seventy eight feet intersect north end line of said Lot No. 90, one thousand and forty feet to a post marked [1969] No. 6 U. S. Survey No. 91. [1777]

Thence fifth course, north fifty six degrees and fifteen minutes east three hundred feet to post No. 1, the place of begining; Said Lot No. 91 extending one thousand and forty feet in length along said Golden Fleece vein or lode, and containing fourteen acres and twenty three hundredths of an acre.

Beginning for the description of Lot No. 92, at a post marked No. 1 U. S. Survey No. 92, from which a tunnel bears south fifty degrees east ten feet distant,

Thence, first course, north fifty six degrees and fifteen minutes east three hundred feet to a post marked No. 2 U. S. Survey No. 92, being also post No. 3 of said Lot No. 91.

Thence second course, south forty eight degrees and forty two minutes east one thousand and fifty feet to post No. 6 of said Lot No. 93 situate on north end line of Lot No. 48, from which post No. 3 of said Lot No. 48 bears south fifty degrees west five hundred and eighty six and five tenths feet distant, one thousand one hundred and sixteen feet to a post marked No. 3, U. S. Survey No. 92.

Thence, third course, south fifty six degrees and fifteen minutes west three hundred feet to a post marked No. 4, U. S. Survey No. 92, six hundred feet

to a post marked No. 5 U. S. Survey No. 92, being also post No. 3 of said Lot No. 48. [1630]

Thence, fourth course, north forty eight degrees and forty two minutes west eight hundred and seventy five and seven tenths feet intersect east side line of said Lot No. 90; one thousand one hundred and sixteen feet to a post marked No. 6 U. S. Survey No. [1970] [1778] 92, being also post No. 5 of said Lot No. 91.

Thence, fifth course, north fifty six degrees and fifteen minutes east sixty two feet intersect east side line of said Lot No. 90, three hundred feet to a post marked No. 1, the place of beginning; said Lot No. 92, extending one thousand one hundred and sixteen feet in length along said Grand Review vein or lode, and containing, exclusive of the conflict with said Lot No. 48, fourteen acres and forty one hundredths of an acre.

Beginning for the description of Lot No. 93, at a post marked No. 1 U. S. Survey No. 93.

Thence, first course, north fifty degrees east three hundred feet to a post marked No. 2, U. S. Survey No. 93.

Thence second course, south thirty three degrees and forty five minutes east four hundred and fifty feet to a post marked No. 3, U. S. Survey No. 93.

Thence, third course, south forty eight degrees and forty two minutes east one thousand and fifty feet to a post marked No. 4 U. S. Survey No. 93.

Thence, fourth course, south fifty degrees west three hundred feet to a post marked No. 5, U. S. Survey No. 93, six hundred feet to a post marked No.

6 U. S. Survey No. 93; situate on east side line of said Lot No. 92.

Thence fifth course, north forty eight degrees and forty two minutes west one thousand and fifty feet to a post marked No. 7, U. S. Survey No. 93; being also post No. 3 of said Lot NO. 91, and post No. 2 of said Lot No. 92.

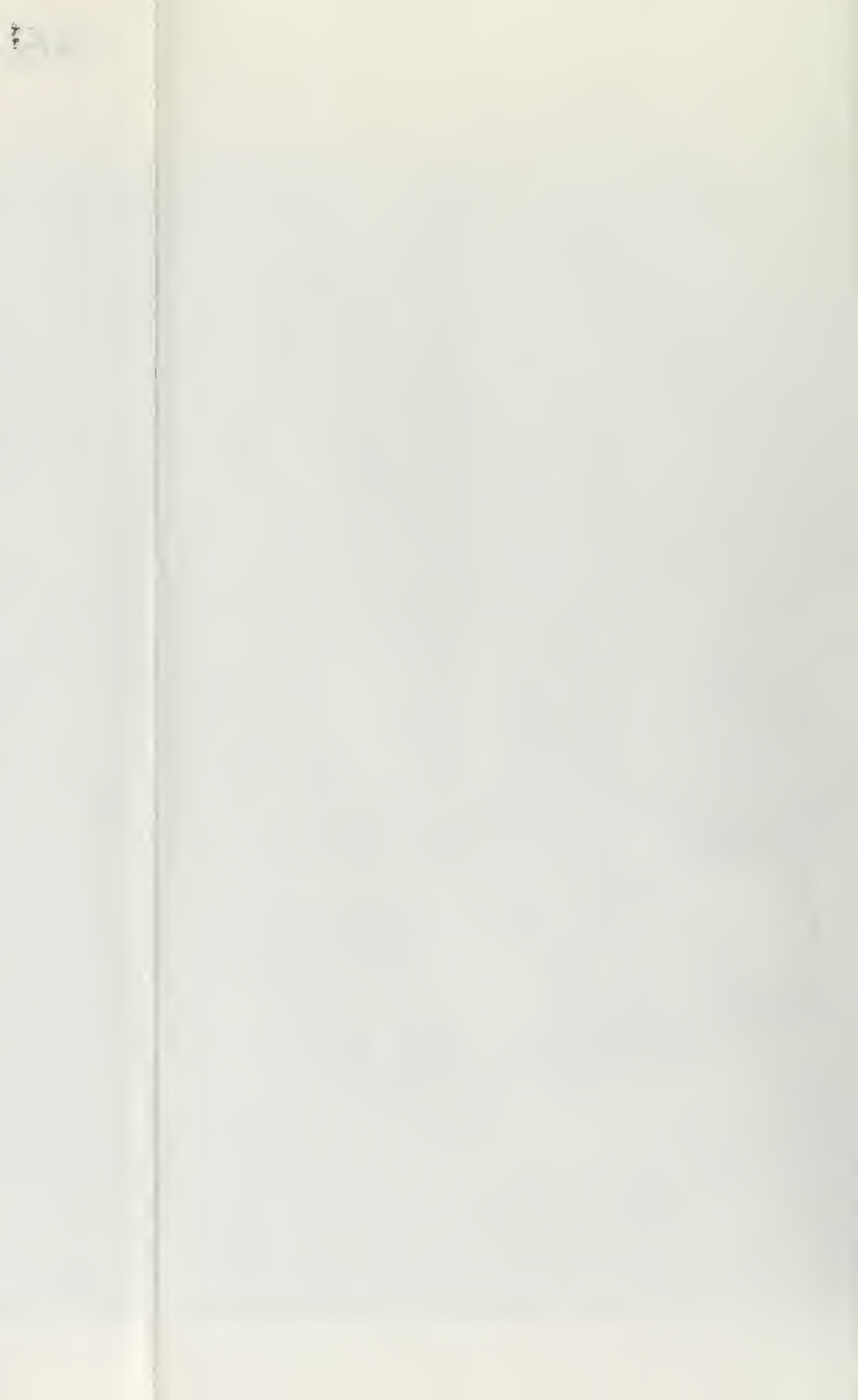
Thence, sixth course, north thirty three degrees [1971] and forty five minutes west four hundred and fifty [1779] feet to a post marked No. 8, U. S. Survey No. 93.

Thence, seventh course, north fifty degrees east three hundred feet to post No. 1, the place of beginning; said Lot No. 93 extending one thousand five hundred feet in length along said Jewel vein or lode and containing twenty acres and forty four hundredths of an acre. Expressly excepting and excluding "from these presents all that portion [1631] of the ground, hereinbefore described, embraced in said mining claims or lots Nos. 48 and 76B and also all veins, lodes and ledges throughout their entire depth, the tops or apexes of which lie inside of such excluded ground; the granted premises in said lots Nos. 87, 88, 89, 90, 91, 92 and 93, containing in the aggrate one hundred acres and eighty nine hundredths of an acre of land, more or less, as represented by "Yellow" shading on the following plat: [1632]

Defts. Exhibit No. "U". Received in evidence Jul. 28, 1914. In Cause No. 1074-A. J. W. Bell, Clerk. By J. T. Reed, Deputy. With plat attached. [1972]

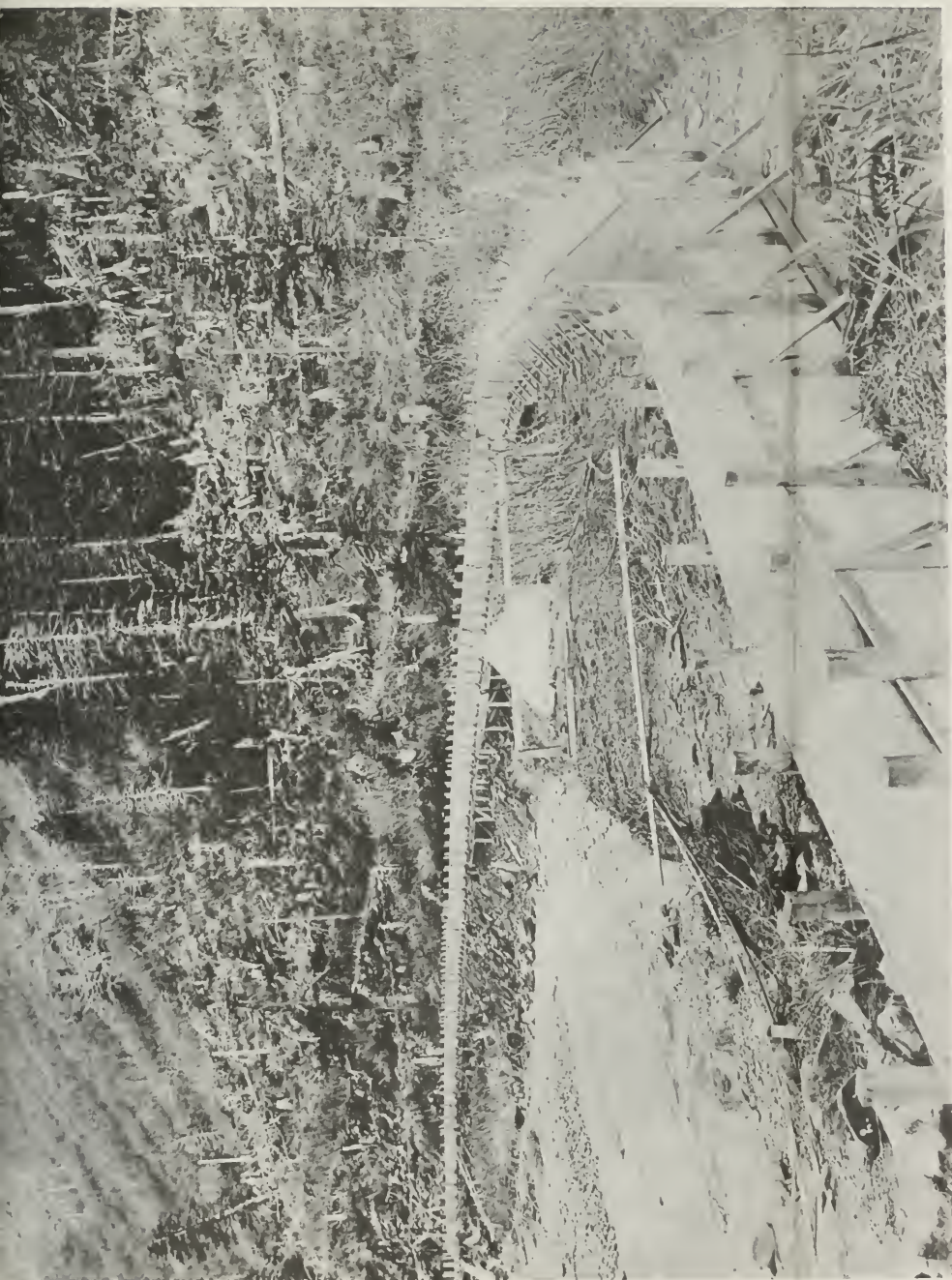
















NOW KNOW YE. That there is therefore hereby [1781] granted by the United States unto the said Samuel Coulter and to his heirs and assigns, the said mining premises hereinbefore described, and not expressly excepted from these presents and all that portion of the said Lotia, Takou Gold and Silver, Keystone, Crown Point, Golden Fleece, Grand Review and Jewel veins; lodes or ledges, and of all other veins, lodes and ledges throughout their entire depth, the tops or apexes of which lie inside of the surface boundary lines of said granted premises in said lots Nos. 87, 88, 89, 90, 91, 92 and 93 extended downward vertically, although such veins, lodes or ledges in their downward course may so far depart from a perpendicular as to extend outside the vertical side lines of said premises; provided, that the right of possession to such outside parts of said veins; lodes or ledges shall be confined to such portions thereof as lies between the vertical planes drawn downward through the end lines of said lots Nos. 87, 88, 89, 90, 91, 92 and 93, so continued in their own direction that such planes will intersect such exterior parts of said veins, lodges or ledges; And provided further, that nothing herein contained shall authorize the grantee herein to enter upon the surface of a claim owned or possessed by another.

TO HAVE AND TO HOLD said mining premises, together with all the rights, priviledges, immunities and appurtenances of whatsoever nature thereunto belonging unto the said grantee above named and to his heirs and assigns forever; Subject nevertheless

to to the above mentioned and following stipulations: [1973]

[1782] First. That the premises hereby granted, with the exception of the surface, may be entered by the proprietor of any other vein, lode or ledge, the top or apex of which outside of the boundary of said granted premises, should the same in its dip be found to penetrate, intersect or extend into said premises, for the purpose of extracting and removing the ore from such other vein, lode or ledge.

Second. That the premises hereby granted shall be held subject to any vested and accrued water rights for mining, agricultural, manufacturing, or other purposes, and rights to ditches and reservoirs used in connection with such water rights as may be recognized and acknowledged by the local laws, customs and decisions of courts. [1634]

Third. That in the absence of necessary legislation by Congress the legislature of Alaska may provide rules for working the mining claims or premises hereby granted, involving easements, drainage, and other necessary means to the complete development.

IN TESTIMONY WHEREOF, I, Benjamin Harrison, President of the United States, have caused the letters to be made patent, and the seal of the General Land Office to be hereunto affixed.

Given under my hand at the City of Washington, the fifth day of February, in the year of our Lord one thousand eight hundred and ninety and of the Independence [1974] of the United States the

one hundred [1783] and fourteenth.

By the President:

BENJAMIN HARRISON,

[Seal]

By M. McKEAN,

Secretary.

J. M. TOWNSEND,

Recorder of the General Land Office.

Recorded Vol. 172, Pages 272 to 284, inclusive.

United States of America,

District of Alaska,—ss.

This is to certify that the foregoing is a true, correct and complete copy of the original instrument as the same appears of record in the office of the District Recorder for the Juneau Recording District, District of Alaska, in Book 7 or “K” of Deeds, at page 143, records of said office.

Witness my hand and official seal this 29th day of May, 1911.

[Seal]

G. C. WINN,

U. S. Commissioner and Ex-officio District Recorder,
Juneau Precinct, District of Alaska.

[1635]

[Affidavit of Michael Barrett.]

District of Alaska,

Juneau,—ss.

The within instrument was filed for record 12 o'clock, A. M., Dec. 29, 1900, and duly recorded in book 16 of Lodes on page 2 of the records of said District.

HIRAM H. FOLSOM,
District Recorder. [1975]

[1784] United States of America,
District of Alaska,—ss.

Michael Barrett, being first duly sworn, deposes and says:

That he, assisted by Harry Hill, Neil McCush and Lee Lamprecht, did at least One Hundred (100) dollars' worth of work upon each of the following named lode claims, during the year 1900.

Said claims being situated in Silver Bow Basin, Harris Mining District, District of Alaska, and being known and designated as, the Idaho Lode Claim, Colorado Lode Claim, Oregon Lode Claim, Wyoming Lode Claim, Nevada Lode Claim, and the Maryland Lode Claim. That said work was done for and at the expense of the Alaska Juneau Gold Mining Company, the owners of said claims for the purpose of holding and developing the same, under the mining laws of the United States.

M. BARRETT.

Subscribed and sworn to before me the 29th day
of Dec. 1900.

[Seal]

G. M. ROSE,
Notary Public for Alaska.

United States of America,
District of Alaska,—ss.

This is to certify that the foregoing is a true, correct and complete copy of the original instrument as the same appears of record in the office of the Recorder for the Juneau Recording Precinct in Book 16 of Lodes at page 2. [1976]

Defendant's Exhibit "B-1"—Testimony of Lloyd Hill, for Defendant.

LLOYD HILL, a witness called and sworn in behalf of the defendants, testified as follows:

Direct Examination.

(By Mr. WINN.)

Q. Mr. Hill, you were in partnership with Mr. Wettrick in 1910, weren't you? A. Yes, sir.

Q. How long have you lived in Juneau?

A. I have been living in Juneau about sixteen years.

Q. You used to be a partner of Mr. Garside?

A. Yes, sir.

Q. Are you acquainted with the Ebner property?

A. Quite well acquainted with it; yes, sir.

Q. You did some surveying on that property, about what year?

A. In '98—I didn't, I assisted Mr. Garside.

Q. You are pretty well acquainted with the boundaries of the claims as represented as belonging to the Ebner Gold Mining Company, known as the Ebner property, are you not?

A. With a considerable portion of it; yes, sir.

Q. Now, Mr. Hill, I will ask you if in the first place you ever surveyed out either one of those claims known as the Cape Horn or the Cape Horn No. 2?

A. Yes, sir; I assisted on the survey of both of them.

Q. I will get you to look at this (handing witness paper). A. That is on the Ebner.

(Testimony of Lloyd Hill.)

Mr. HELLENTHAL.—I object to that—we are not going to try [1983] the title.

The COURT.—What is your object?

Mr. WINN.—Mr. Ebner located one of those properties as a millsite and located it while he was president and general manager, and virtually the Ebner Company itself, and located those for the Ebner corporation,—and it is just simply to show that it is the property of the Ebner Company, and to just simply show that our flume line and the whole workings go across what is known as the Ebner property, in a general way, all the Ebner property, and that the water was turned back into the Creek on the Ebner property.

The COURT.—Your question is whether or not you got Hill to survey it—your question is, “Is that a portion of what is known as the Ebner group of mines?”

Mr. WINN.—Yes.

Mr. HELLENTHAL.—That is objected to as not being the best evidence, and the witness not being qualified to speak.

The COURT.—Objection is overruled.

A. I always considered it the property of the Ebner Gold Mining Company.

Q. When did you survey that claim, and at whose instance and request did you make the survey?

A. In 1908, the same gentleman, at the request of Mr. Ebner.

Q. In what capacity was he serving the Ebner

(Testimony of Lloyd Hill.)

Gold Mining Company? A. I think he was president.

Q. Was there any operations up there on the Ebner property? [1984]

Mr. HELLENTHAL.—That is objected to for the same reason.

Mr. WINN.—I think we have got a right to show those things. I think that if a man is president of a company that in a manner we have a right to show that a claim by inference belongs to him.

Q. At the time you made those surveys, was Ebner operating the Ebner property?

Mr. HELLENTHAL.—We except to the ruling of the Court.

A. I don't think he was at that time—I don't think there was any operations.

Q. That year? A. No.

Q. You knew that he was serving the company in what capacity at that time?

A. President, I think.

Q. Had he been operating the company prior to that time? A. He did.

Q. He had the old stamp mill up there of ten or fifteen stamps? A. Yes, sir.

Q. In 1910 did you meet what is known as the Bent party, when they came up here—did you see them?

A. I did.

Q. You and Wettrick were in partnership then as surveyors, were you? A. We were.

Q. What arrangement did you have with that

(Testimony of Lloyd Hill.)

party to do any work on this Ebner property and claims?

A. They arranged, I think, in the afternoon and evening [1985] of the 2d of August, 1910, that we should go up to the Ebner property and look over the physical conditions as they then existed on the ground; survey a new flume line, and pick out the best millsite, and go upon the old mine workings with the purpose of driving and selecting places for new tunnels that would be necessary, and to do all the necessary tunneling to start the Ebner development on an entirely new scheme of work, and also to make a working plan of the mines.

Q. Did Bent go up there with you?

A. Bent went up with us on the morning of the third.

Q. Whereabouts—you say you were requested to look over a place for building a new mill—with reference to where the present grade was, where is that works up there?

A. Approximately the same place.

Q. Who took you to that place?

A. I think Mackey and I and Wettrick and several assistants went down there together to that place.

Q. Did they ask, any of them, anything about where they wanted you to survey out a flume line—Did any of that Bent party indicate to you where they wanted that done?

A. That was determined some time later than the 3d, after certain levels were taken at that time, they afterward determined upon the flume line where the

(Testimony of Lloyd Hill.)

present flume has since been built.

Q. Did you take any levels on the 3d, you say?

A. Yes, we surveyed about there. [1986]

Q. You took your levels on that same morning for the flume line to run where?

A. From the present Ebner dam, known as the old Ebner dam, to a point around Cape Horn just about four hundred feet above Shady Bend, on the Basin road.

Q. Where was that temporary work done with reference to where the new flume line was ultimately built? A. Working along the same line.

Q. Who, if anyone, indicated to you that they wanted you to run a flume line for them?

A. Both Mr. Mackey and Mr. Bent, I think, determined on that, and they thought that was the best place for the flume.

Q. And in after that—did you go up there after the 4th or 5th?

A. Yes, we were up there very often until the latter part of August; sometimes we had office work to do besides the field work.

Q. I will ask you, Mr. Hill, as to whether or not the view is pretty fair from the road around Cape Horn to the road over across the Creek and along Snowslide Gulch, and where the plaintiff in this case has constructed some buildings and installed an air-compressor?

A. It is very clear from along the Basin road, after you get up here on the road nearly to the point on the east side of Gold Creek.

(Testimony of Lloyd Hill.)

Q. Did you, subsequent to that time, find out where this man by the name of Harri is building a cabin over there? [1987] A. I did.

Q. Towards the point where he built this cabin, is there a view from the Basin road?

A. Plainly, from the Basin road to the cabin of Harri.

Q. Were you up there on the 5th—were you up there on the 4th? A. Yes, sir.

Q. And on the 5th? A. I think so.

Q. You say that you went up and down the Creek and over the road of the Ebner flume during all of this time? A. Yes, I was.

Q. Did you see anyone over there in and about where this cabin has been built, and in and about where the plaintiff company has located and built, and has installed an air-compressor?

A. No, I didn't see anybody there for several days after I had gone on the property.

Q. If they had been there, would you have seen them? A. I think I should.

Q. You say that you would have noticed if there had ever have been any of this lumber and any of Kinzie's people over there on that Creek?

A. I couldn't say as to the date of that, but I think it was some time along about the 8th or 9th of August that I saw first that they were working, and saw the lumber—I would not be certain of that.

Q. But you know for the first three or four days that you didn't see anybody? [1988]

A. I did not see anybody.

(Testimony of Lloyd Hill.)

Q. I will ask you if you have been over on that flume line and grade of the Alaska-Juneau Company where there are two tunnels, one partly completed, and where one runs through just above the flume line on that hill? A. I have.

Q. Did you ever measure that upper tunnel at its face, where it is faced off and then abandoned?

A. I did.

Q. How far in does it run? A. 15 feet.

Q. Do you remember the dimensions of it—the size? A. I think it is about six by seven.

Q. Through rock or dirt?

A. Driven through rock.

Q. Did you see whether or not they had cleared away any brush along the line of that upper tunnel that run in the hillside there?

A. Along the level of that tunnel?

Q. Yes. A. Yes, sir; they have.

Q. Now, I will ask you if you were there on Gold Creek and saw what they call the Mulligan location notice? A. Yes, sir; I have.

Q. Do you know where the Lotta claim is?

A. I do.

Q. Do you know where those particular stakes are on the claim that were described by Mr. Wettrick?

[1989] A. I think so.

Q. Those stakes that were on the Lotta lode claim—do you remember how many there were?

A. I think there were four or five.

Q. Now, about how far from the lower side line

(Testimony of Lloyd Hill.)

of the Lotta claim was this notice of Mulligan's posted?

A. Approximately 150 feet, out from the south-west line of the Lotta claim.

Q. And on the Lotta claim? A. Yes, sir.

Q. Did you ever notice any dam on the Lotta lode claim for the diversion of water? A. Yes, sir.

Q. Where was that with reference to the notice?

A. About 40 or 50 feet southeasterly down the Creek from the notice.

Q. That dam apparently had been made to divert water from Gold Creek?

A. Well, there was a V-shaped intake—two lengths, I think about 14 feet, laid in the bottom of the Creek, with some rocks to hold them in place; the water was taken into the box at the mouth and ran into the box in the Creek bottom.

Q. Do you remember approximately what time it was you saw that notice?

A. I don't remember when I first saw the Mulligan notice, but it was some time in August; I think along about the middle of August. [1990]

Q. Did you ever see Harri when he came out up there on the ground of the Ebner Company?

A. I did; yes, sir.

Q. Did you see this tent of Harri's up there?

A. I did.

Q. When did you see that?

A. I think on the night of October 10th, 1910.

Q. The night of October 10th—What business took you up there?

(Testimony of Lloyd Hill.)

A. Well, Mr. Mackey asked me to go up there and see if there was any way to convey the flume grade around this tent of Mr. Harri's, and not to have any row or trouble.

Q. Where did Harri place his tent with reference to the flume grade?

A. Directly in line with the brush cleared out by the Ebner for the line.

Q. Up to the tent about how much was there cleared off then of the flume line and the commencing of the Ebner dam?

A. To the best of my recollection there was probably fifteen or sixteen hundred feet of the brush cleared and the rocks cleared out and a little grading done and about 135 feet of flume constructed.

Q. And the water was actually running through on the 10th of October? A. The night of the 10th.

Q. Did you see that flume line from time to time as it was constructed right along there?

A. Yes, sir. [1991]

Q. You say that there was water in it—water was then running through the flume?

A. Up to the time the flume passed across the Basin road there was water in there from the time it was turned through and running through on the 10th of August.

Q. The time it was turned through there on the 10th of August, there was water in the flume?

A. Yes, sir.

Q. Mr. Hill, have you examined this map and plat

(Testimony of Lloyd Hill.)

over here marked Exhibit No. 5 of the plaintiff company? A. I have.

Q. Have you noticed any irregularities in it—was there any property that is left out there on this map that is known as the Ebner property?

A. I have; yes, sir.

Q. What is it?

A. Well, there is many claims that the Ebner has that is left off, and claims owned by others are included in the outlines of property marked as owned by the Alaska-Juneau Gold Mining Company.

Q. There is nothing on that map to show what date it is made from, is there?

A. No, sir—no, sir; there are not any marks on it indicating the distances on it.

The COURT.—Is there any scale on it?

A. Yes, the scale is 200 feet to one inch; yes.

The COURT.—The map shows for itself—it speaks for itself—Mr. Kinzie testified what those letters on there indicate, and what is on the map is on there, and I don't think we [1992] need Mr. Hill to tell us what it indicates.

Mr. WINN.—If your Honor please, I offer a certified copy of the water location made for the Ebner Gold Mining Company on the 17th day of August, 1910, and certified to by the Recorder, showing that it was recorded on the same date.

Mr. HELLENTHAL.—This is your notice that you signed, and it shows who it is signed by?

Mr. WINN.—Yes.

Mr. HELLENTHAL.—I have no objection—I was

(Testimony of Lloyd Hill.)

going to offer it myself.

Mr. WINN.—You will consider it read?

The COURT.—Well, I would like to know just briefly what it is.

Mr. WINN.—It is a location of additional water on Gold Creek, made on the 17th day of August, 1910, the notice posted on the same date and recorded on the same date.

The COURT.—And made by whom?

Mr. WINN.—For the Ebner Gold Mines Company, by John R. Winn, its agent and attorney.

Mr. WINN.—Q. I will ask you to look at that notice and say if you ever posted a notice of that kind anywhere.

A. Yes; I posted that at the Ebner dam on Gold Creek on the 17th day of August.

Q. Who accompanied you to that dam?

A. Oh, yourself and Mr. Harper.

Q. Where was that posted on the Ebner dam?

A. Near the mouth of the present flume entrance.

Q. Was it in a conspicuous place? [1993]

A. Yes, sir.

The COURT.—We will take a ten minutes' recess before we proceed with the cross-examination.

(Whereupon court adjourned for ten minutes, and at the expiration of that time reconvened and thereupon the examination was continued, as follows:)

Cross-examination.

(By Mr. JACK HELLENTHAL.)

Q. First, a question or two about that Cape Horn claim—You say you know when that was located?

(Testimony of Lloyd Hill.)

A. I don't know when it was located, no.

Q. Do you know by whom it was located?

A. No, sir.

Q. You don't know for whom it was located?

A. No, sir.

Q. And you don't know who owns it?

A. Ebner told me he owned it; that is, he told me he had made the location, I think.

Q. You know nothing at all, then, as to who that claim belongs to?

A. Well, I always considered it as belonging to the Ebner Gold Mining Company.

Q. But you know nothing about it?

A. No, not positive.

Q. You don't know, as a matter of fact, that it was located by Mr. Ebner, or by —— and Mr. Ebner jointly, and that they also jointly located two mill sites [1994] in connection with it at the same time? A. Yes.

Q. And that afterwards, when it was advertised, Ebner bought out his partner, and in 1910, not a very long time afterwards, the claim belonged to Ebner and stood in his name, and had nothing to do with the Ebner property or the gold mining company—you don't know that this is true? A. No.

Q. You don't know that the Ebner Gold Mining Company have no interest in that claim now, is that true? A. No, I would not swear that.

Q. You would not say that another party, a man by the name of Martin, had now bought that claim from Ebner, and that the claim stood in the name of

(Testimony of Lloyd Hill.)

Martin? A. It may.

Q. You don't know, do you say?

A. I can answer that question only by way of saying that I simply don't know.

Q. The Cape Horn is the only claim which he has since located? A. The Cape Horn No. 2.

Q. I was referring to the Cape Horn—you would not say that that is not still in Ebner's name?

A. The Cape Horn No. 2—I know about the Cape Horn—I know very little about the Cape Horn No. 2.

Q. Don't you know, as a matter of fact, that that claim was covered by two mill sites that were located by Mr. Ebner and ——— in connection with the Cape Horn lode, and don't you know that Mr. Ebner afterwards [1995] discovered mineral on it and located the claim in his own name?

A. I do know that.

Q. You know that he held that claim in his own name and sold it recently to a man by the name of Martin?

A. I don't know anything about that, no.

Q. You don't know who owns the Cape Horn No. 2? A. I would not swear who owns it now.

Q. You don't know whether Ebner, or the Company, or who owns it? A. No, sir.

Q. Now, Mr. Hill, when you speak of that map up there, that is exhibit No. 5 of the plaintiff's, you say there is some property there that is marked as being the property of the Alaska-Juneau Company that you think is also claimed by other people?

A. I do.

(Testimony of Lloyd Hill.)

Q. You have stated your own judgment upon the question as to who owns this, haven't you?

A. Yes, sir.

Q. Just have your own idea?

A. I have talked with interested parties who own ground up there.

Q. However, did you ever talk with the Alaska-Juneau people about it, and hear their part of the story? A. Never, no—never have.

Q. You would not pass on the title to the property without hearing both sides of the story, would you? [1996] A. I certainly would.

Q. But there has been nothing to pass upon but the story of one side, was that true? A. Yes.

Q. Coming now to the matter of the location of the mill site about Shady Bend—that is on what claim, the Cape Horn No. 2 or on the Cape Horn?

A. On the Cape Horn No. 2.

Q. And you say that you and Mr. Mackey, George Bent and Mr. O'Boyle, and others, went up there on August 3d, 1910? A. Yes, sir.

Q. You went up there for the purpose of locating and determining upon a mill site—that is right, isn't it?

A. That was one of the objects in going up there.

Q. You had other things to do—*looked the* property, practically? A. Yes.

Q. You went over there and looked the property over generally—that is one of the things which you had to do? A. Yes, sir.

Q. And you took observations at different places?

(Testimony of Lloyd Hill.)

A. Yes, sir.

Q. And you decided either that day or a little later upon the place where the excavation was afterwards made, to make a mill site? A. Yes, sir.

Q. Now, that was about the 6th when that was finally decided, [1997] wasn't it?

A. Yes, I think so.

Q. That is the date you finally determined that that was the best mill site that you had looked over?

A. Yes, sir.

Q. You looked over other places at the same time?

A. Yes, sir.

Q. Coming now to the working on the claims—when was the first time in August; you were up there in August? A. Yes.

Q. You were up there in the next few days?

A. Yes, sir.

Q. And you say that you did not see anybody in and about where the Alaska-Juneau work was done?

A. I did not, no.

Q. Did you observe very well to see whether there was anybody there or not?

A. No, I did not observe very well.

Q. There may have been a good many men there without you knowing it?

A. They couldn't have been in the Creek—in going along up the Creek almost invariably when you reach Cape Horn, going along, you look into the Creek bottom.

Q. There could not have been any men in the Creek, there?

(Testimony of Lloyd Hill.)

A. They may have been up on the Butte, in the brush; the brush is pretty thick there; the men may have been up there and I could not have seen them.

Q. But you would not swear there was not men there? A. I will swear that I did not see any.
[1998]

Q. You won't swear that they weren't in there?

The COURT.—Are you talking about on the Butte or in the Creek?

Mr. HELLENTHAL.—I am speaking about in that vicinity of where that work is.

A. In the Creek Bottom.

Q. Up this side of the Creek, on the sides of the Creek, and in the Creek bottom?

A. I will swear that I did not see any men up there for at least four or five days.

Q. You will not swear that there were no men up there? A. No, I don't think I would do that.

Q. There might have been men there in view without you seeing them? A. Yes.

Q. Been working there cutting brush and cutting trees?

A. I don't say they could not have been there, but I do say on this side the Cape is high and I think I would have seen them if they had been there.

Q. Don't you know, as a matter of fact, that the lumber out of which that bunk house was afterwards constructed, was hauled up there on the 6th day of August and unloaded there, and that they had teams loading there from that vicinity down to the bunk house at the open cut? A. I didn't see them.

(Testimony of Lloyd Hill.)

Q. If Mr. Kinzie will swear that he hauled that lumber up there on the 6th of August and landed it down there, would you be mistaken?

Mr. WINN.—That is incompetent, irrelevant and immaterial. [1999]

Mr. HELLENTHAL.—I don't want to impeach him.

The COURT.—What is the ground of your objection?

Mr. WINN.—That *is* is improper cross examination, because it has not been testified to by Mr. Kinzie and is an improper way to impeach the witness.

The COURT.—This is cross-examination and it is vital to show whether this witness knows the truth of his statements—I think it is proper to do it—answer the question.

A. The Jualpa dam is from five to six hundred feet away from the cabin or bunk house, and I would not want to testify that Kinzie had not hauled lumber up there to the Jualpa dam, he may have done that on the 6th or 7th.

Q. And you would not want to testify that the trail had not been built from there down?

A. I will testify that I did not see the trail.

Q. But you will not testify that it had not been made? A. No, the trail may have been made.

Q. Mr. Harri may not only have worked there but Russell Casey may have been on there with lumber on the 3d, and 4th and 5th of August? A. Yes.

Q. Now, I want to go over that matter with you and call your attention to a couple of other little mat-

(Testimony of Lloyd Hill.)

ters, so as to refresh your memory, and you may be able to testify more definitely; in the first place, I want to call your attention to an affidavit which you made in the [2000] case of the Ebner Gold Mining Company against the Alaska-Juneau Gold Mining Company—the affidavit that I refer to is in the case of the Ebner Gold Mines Company against the Alaska-Juneau Gold Mining Company, and is an application for a preliminary injunction; the affidavit was signed by Lloyd G. Hill on the 25th day of August, 1910, before John R. Winn, and filed in the files of this Court on the same day, being the 25th day of August, 1910, in which you testified as follows: “Lloyd G. Hill, being first duly sworn, on oath deposes and says: That I am a resident of Juneau, Alaska, and by profession or calling a surveyor and mining engineer, and have been at all times mentioned herein; that I have read the complaint in the above entitled action and know the contents thereof, and believe the same to be true.” Did you make that affidavit? A. Yes; I did.

Q. Now, referring to the complaint in that same action, in paragraph 6 of the complaint occurs something like this—occurs this language, in speaking about a notice that is posted on or about the 27th day of July, 1910, the complaint proceeds and states, “that they and each of them have been since said date continuously, wilfully and maliciously trespassing upon property of this Ebner Company, and particularly upon the Lotta lode mining claim above described, and the two Parish lode claims, and the

(Testimony of Lloyd Hill.)

Cape Horn lode mining claim, above described, and referred to, and have been removing timber therefrom, and clearing what appears to be a right of way for a flume line and [2001] ditch and pipe line to convey water from said Gold Creek from the point of posting of said notice" (then follows something that is immaterial); "That said defendants are continuously and daily perpetrating and doing acts and things herein complained of, and have been so doing the said acts and things since on or about the 27th day of July, A. D., 1910, and are threatening to and will"—and so on. Did you swear to that affidavit? A. I presume I did sign my name to it.

Q. Coming now to when you swore to what is in three on the 25th of August, 1910, complaining that these defendants—referring to the defendants as being the Alaska-Juneau Gold Mining Company and the Alaska-Treadwell Gold Mines Company, corporations, and L. D. Mulligan, having heard that read to you, what do you now say as to whether those men were up there on those days?

A. I think I seen them on the 25th day of August—there, about the middle, and along there, but this paper here fixes it in the affidavit that they were there from the 7th or 8th of August and all along up to the 25th; that is what I really supposed at the time I was signing.

Mr. HELLENTHAL.—This affidavit here reads this way: "Defendants are continuously and daily perpetrating and doing the acts and things herein complained of, and have been so doing said acts and

(Testimony of Lloyd Hill.)

things since on or about the 27th day of July, A. D., 1910.”

Mr. WINN.—I object to that.

Mr. HELLENTHAL.—“On the two Parish claims and the Cape Horn and the Lotta mining claims.”
[2002]

Mr. WINN.—I wish to withdraw my question.

Q. Now, isn't it more apt that you would have the facts in mind at that time to testify to the truth in this affidavit more than you would at this time?

A. I know that they could not have been up there on the 27th day of July. Those men were over there on the ground from the 7th or the 8th of August, I know; as a matter of fact, I have got a certain book which I now have at this time, and I had that book at that time and made certain entries in it, which now refresh my memory, and I have the dates and the names of the assistants who were associated with me, and I am more certain now than I would be at that time.

Q. You made a mistake when you signed that affidavit because you didn't have the certain book referred to?

A. I had the book but I did not refer to it.

Q. And that is the reason you made the mistake in making this affidavit?

A. If it might be considered a mistake—that is the reason I did it; yes, sir.

Q. Have you that book now? A. Yes, sir.

Q. Does that book show that on that particular day you looked over there and didn't see any one?

(Testimony of Lloyd Hill.)

A. No, that would not.

Q. It does not show that on the 3d, 4th and 5th, or any other dates, there were no men on the Alaska-Juneau property? [2003]

A. That there were no Alaska-Juneau men on the Ebner property, I mean.

Q. Or in connection with this Alaska-Juneau work?

A. No, I would not have made any notes of that.

Q. Your book doesn't show anything about that?

A. Oh, no.

Q. What is there in that book that refreshes your memory?

A. Oh, well, there is nothing out of the ordinary—if there had been I would have jotted it down.

Q. The fact that you have nothing in your book is what makes you think that those men were not there, and is the only circumstances that makes you determine there were no men there? A. Yes, sir.

Q. It is because there is nothing in your book that there were men there that you are now willing to make an affidavit that you don't believe they were there?

A. That refreshes my recollection.

Q. Your recollection, however, was the sole basis of your opinion when you made this affidavit in the first place? A. Yes, sir.

Q. So your recollection was at variance with the notes and they did not agree with your recollection?

A. I said before that I never referred to the notes in the book at that time; I say it was simply the best of my recollection.

(Testimony of Lloyd Hill.)

Q. The best of your recollection was that they were there when you made this affidavit, and that is the reason you [2004] made the affidavit?

A. They might have been there a few days prior to that. I want to make it absolutely clear that I could not have been there on the 27th of July; I didn't go up there until the 3d of August.

Q. The dates that you swore to—the 3d, 4th and 5th of August, when you made this affidavit, you relied upon your recollection of the thing? A. I did.

Q. Don't have your book—your own book with you? A. I didn't refer to any book.

Q. And you relied upon your recollection?

A. Yes, sir.

Q. You now have your book? A. Yes, sir.

Q. What is there in your book that contradicts your recollection upon the subject?

A. Simply indicates any time that I saw the Alaska-Juneau people.

Q. What is in the book?

A. A note in the book of the assistants that we had in the work and when out there on the property, and the time, and notes of when the Alaska-Juneau people were out there in the Creek, and the date that they were seen out there.

Q. Does the book say that they were there on the 3d, 4th and 5th of August?

A. It makes no mention of it.

Q. So all the assistance it is to you is that it makes no mention of anything down there on those dates? [2005]

(Testimony of Lloyd Hill.)

A. Makes no mention of any strange men there seen cutting trails up on the Parish or on the Lotta or on the Cape Horn claims.

Q. At that time you didn't know where the property of the Alaska-Juneau Company was? A. No.

Q. You knew nothing about it? A. No, sir.

Q. There was no reason why you should make any note in your book at all of what the Alaska-Juneau people were doing?

A. I would certainly have made a note in my book if I had seen any work going on.

Q. What if you saw a man cutting a trail, did you make any note in your book?

A. If he made a move on that property, and in charge of the men, who were doing the work, I certainly would.

Q. Can you tell me of any other notes you ever made of anybody else ever cutting trails on the Ebner property?

A. No, I never kept a diary up until last winter. We generally take a book along that is used in making out the payrolls, etc.

Q. And that diary contains no notes of any kind that anybody was cutting any trails or doing any work on the Ebner?

A. I just forget what the records show on the matters, you know.

Q. I will ask you furthermore whether in that affidavit you did not testify as follows: [2006]
“That since August 1, 1910, affiant has seen defendants or their agents, servants, or employes, at work

(Testimony of Lloyd Hill.)

in and upon the mining claims referred to in the 6th paragraph and particularly on the Cape Horn No. 1, the Parish No. 1, and the Parish No. 2, and the Lotta patented claimed, property belonging to the plaintiffs," and so forth. Did you so testify?

A. I don't know. Have I signed that?

Q. Is that your signature? (Submitting paper to witness.)

A. (Witness examining the paper.) Yes, sir.

Q. You swore to that, did you?

A. Yes, of course I must have.

Q. "And that the said defendants, and each of them, or their agents, servants and employes have been trespassing upon said property and are still continuing to do so and have erected a cabin upon the Taku Queen mining claim, a mining claim adjoining the above last mentioned mining claims, and have been engaged in cutting away underbrush and clearing up a roadway from the house on the Taku mining claim in and across the said Cape Horn No. 1, Parish No. 1 and Parish No. 2 and Lotta patented claim, property of said plaintiffs and the said defendants are continuing to work upon said claims, in the manner above stated, on said pathway or roadway and otherwise up to the point on the Lotta patented claim where the notice of water location of said Mulligan is posted. That this affiant believes that said work is being done upon said property so that lumber and material can be carried over said roadway for [2007] the purpose of constructing a pipe line and flume line to tap said Gold Creek,

(Testimony of Lloyd Hill.)

referred to in the complaint, at the point where said notice of said Mulligan is posted and to take therefrom the water of said Gold Creek in order to deprive said plaintiff of the use thereof." Did you so testify? A. I think so.

Q. You were mistaken at that time?

A. No—I said that was the 25th of August. When I signed that they were doing all of those things, at that time.

Q. It reads that it is since August 1, 1910.

A. I know that—just as I said—I may have been mistaken in a few days about the first of August as the time they started in on this work, but from the 6th, 7th or 8th of August they were in there.

Q. You are sure they were there then?

A. Yes, sir.

Q. In possession of it then? A. No.

Q. They had a number of men there?

A. Well, I couldn't see evidence of their work very much.

Q. Had a large number of men?

A. Not a large number of men—two or three.

Q. You would not be sure, from your recollection, whether you were mistaken in a few days and that they were there upon the 1st of August?

A. Well, I don't say they were there—they may have been there; as I testified before, I was there at a place near, and in doing that work I saw nobody else. [2008]

Q. And when you made this affidavit that they were there since August 1st you were mistaken?

(Testimony of Lloyd Hill.)

A. Yes, I was mistaken, because my affidavits will show that I did not go on the ground until the 3d.

Q. Did you testify in the case of the Alaska—in the case—at the trial of the case of the Alaska-Juneau—the Ebner Gold Mining Company against the Alaska-Juneau Company? A. I did.

Q. At that time you said you were there on the ground making surveys on the 2d or 3d of August?

A. Yes, sir—I don't know what day we went upon the ground—I wasn't positive of the day; no, sir.

Q. The first thing you did when you went up there was to make a mill site survey, wasn't it?

A. No, the first thing we did was to determine on the flume line.

Q. Didn't you make a mill site survey first?

A. No; we wanted to find out the height of the water.

Q. Didn't you testify in the case of the Alaska Ebner Gold Mining Company case against the Alaska-Juneau Company as follows: "I don't know when Tripp severed his connection with the company, but thereabout, Bent made arrangements for my work about the 2d or 3d of August—the arrangements were made the first of August, I think—I think we went upon the ground the first of August and surveyed a mill site and looked over the ground for a mill site." That was done on the first of August? A. Yes, sir. [2009]

Q. What you surveyed there on the first of August was a mill site lower down the Creek? A. Yes, sir.

Q. And later on, about the 2d or 3d, Mr. Bent, in

(Testimony of Lloyd Hill.)

the presence of Tripp, made arrangements for the survey of a tunnel line?

A. No, sir—the arrangement was made—

Q. Did you so testify?

A. Yes, sir—Let me see that.

Mr. HELLENTHAL.—All right, read it.

(Whereupon the witness reads paper.)

A. I must, yes; I think I testified to that.

Redirect Examination.

(By Mr. WINN.)

Q. Did you know, or did you not know when Datson went upon, in and over the Lotta lode claim, and on the 27th or 28th of July located what is called the Canyon—the Oregon claim?

The COURT.—Haven't you already been all over that?

Mr. WINN.—No; your Honor, we have not. I am not going to ask him whether it conflicts with anything else—

Mr. HELLENTHAL.—We object to his trying the title to those claims at this time.

The COURT.—Very well, he may answer that question—read the question, Mr. Reporter.

(Whereupon the question was read by the reporter.)

Mr. WINN.—I will change the form of that question—I will [2010] change it to the Oregon claim.

A. I think, but I would not be positive, that I saw such a notice, but I think I saw it dated and signed by one Datson, locating the Oregon lode claim.

Q. Do you remember one ——— testified on the

(Testimony of Lloyd Hill.)

trial of the Basin case?

A. I remember the man—I don't remember much of his testimony.

Q. Do you remember whether or not he testified to this fact—at page 1012 of the printed record in this case— “Q. When did you get men up there to help you? A. I got men up there on the 6th, I think—one man there on the 5th.”

The COURT.—I will interpose an objection myself—that is not legitimate cross-examination.

WITNESS EXCUSED. [2011]

Defendant's Exhibit “C-1”—Notice of Ebner Gold Mining Co. of Ownership of Waters of Gold Creek.

NOTICE IS HEREBY GIVEN That the Ebner Gold Mining Company a corporation, are the owners and claims under this notice all the waters of this creek, Gold Creek, to its entire flow during all seasons and at all time or times, that said corporation is not already entitled to by reason of prior right or prior location or appropriation, or prior right to use or appropriate; that is all the waters of said creek, if any, in excess of what said corporation is not now entitled to by reason of prior location, use or appropriation or riparian ownership, to be conveyed by ditch, flume or pipe or in any other practical or convenient way from said creek and creek bed and to be used in the working, mining and development of the mines owned by ~~the~~ said Ebner Gold Mining Company and in milling, treating and

reducing the ores taken from said mines of said corporation and for other beneficial and useful purposes.

Said Ebner Gold Mining Company does not intend by this Notice to waive any right that it may have to the use of the waters of said creek by reason of its flowing over the mines and mining claims now owned or possessed by it, and ~~it~~ does not waive any right of riparian ownership of said water or riparian use of said water flowing over the mines and property owned or possessed by it, nor does not waive any right to the use of any or all of said waters by reason of its or its predecessors in interest prior location, appropriation or use of said waters.

This Notice is posted on the Ebner Dam on the Crown Point lode claim (patented) U. S. Survey No. 90 and owned by the Ebner Gold Mining Company, the locator herein.

Date of this Notice of Location August 17, 1910.

Posted on the 17 day of August, 1910.

EBNER GOLD MINING COMPANY.

By JOHN R. WINN,
Its Agent and Attorney.

Witnesses:

WM. WALKER,
NEWARK L. BURTON.

Filed for record at 3:50 P. M. Aug. 17, 1910 and recorded in Book 10 of Placers, page 181.

G. C. WINN,
District Recorder. [2012]

446 Patent No. C-17
Received in evidence

AUG 9 1914

1074-a
J. H. Ball
Clerk
Deputy

MAP
of

EBNER GOLD MINING CO'S CLAIMS
NEAR JUNEAU
ALASKA

446 Patent No. H
Received in evidence

JAN 13 1914

1074-a
J. H. Ball
Clerk
Deputy



Left Ex 3 803a
For Ident 1874
Diff Ex 1 803a
R.R.R.

SCALE OF 300 feet to 1 inch.

I, John B. Marshall, U. S. Commissioner, ex-officio District Recorder, Juneau Recording District. Territory of Alaska, hereby certify that the following is a full, true and correct copy of the records of my office, taken from Book 10 of Placers, page 181.

JOHN B. MARSHALL,
U. S. Commissioner,
District Recorder.

[2013—2014]

**Defendant's Exhibit "D-1"—Notice of Location of
Wm. M. Ebner et al. of Location of Cape Horn
Mill Site.**

LOCATION NOTICE.
CAPE HORN MILL SITE.

District of Alaska,
Juneau Recording District,—ss.

The within instrument was filed for record at 11 o'clock A. M. Dec. 14, 1896, and duly recorded in book 5 on page 147 of the records of said District.

H. W. MELLEN,
District Recorder.

Notice is hereby given that the undersigned citizens of the United States, having complied with the requirements of Chapter Six (6) Title thirty-two (32) of the Revised Statutes of the United States, and the local customs, laws and regulations, have this day located the Cape Horn Mill Site, consisting of five (5) acres, more or less, situated and being adjacent to Cape Horn Lode Claim, about one and one-half ($1\frac{1}{2}$) miles from Juneau in Harris Mining District, and the District of Alaska, more fully de-

scribed as follows, viz: Commencing at the notice of location post on the west margin of the Cape Horn Lode claim about seven hundred and fifty feet from the southwest corner of said claim, thence along the west side of the said Cape Horn Lode Claim to the southwest corner of the same to post number two (2), thence to post number two & three (2 & 3) of survey number one hundred and forty-three (143) and one hundred and forty-four (144) of Last Chance Placer Claim, thence along the north side of survey number one hundred and forty-four (144) and one hundred and forty-five (145) one hundred and forty-six (146) and one hundred forty-seven (147) to post number two and three (2 & 3) of survey number one hundred and forty-seven (147) and one hundred and forty-eight of said Last Chance Placer claim, to mill site post number three (3), and thence from said Mill Site post number (3) to notice of location post, the place of beginning.

Located this 21st day of November, A. D. 1896.

WM. M. EBNER,

ARTHUR S. LOVETT,

Locators. [2015]

AUG 5 1914

1074-022

Y. B. K. 1

245.

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1000

88726-1915

TRACING OF LOTTA LOPEZ

Clarín

According To Judge Cushman's

Decision

Taku Gold and Silver Lode
 Sur. No. 58. Pat:

1500 ft. 1500 ft.

LOTTA LODGE

Spec No. 87

W. 91° 56' W. 1500 ft.

Royal Lade
Sut No 238 Pat

Royal Lodge
Sur No 238 Pat.

Cor No 5 Royal Lodge

Cor No 5 Royal Lodge

A horizontal line with tick marks at 0, 200, and 400. The word "FEET" is written below the line.

Scale: 1 inch = 200 ft.

1914:

**Defendant's Exhibit "G-1"—Quitclaim Deed, Aug.
3, 1914, Wm. M. Ebner to Ebner Gold Mining Co.**

QUIT CLAIM DEED.

THIS INDENTURE made this 3rd day of August, A. D. 1914, between William M. Ebner of Hollywood, State of California, party of the first part, and the Ebner Gold Mining Company, a corporation doing and authorized to do business in the Territory of Alaska, party of the second part.

WITNESSETH: That the said party of the first part, for and in consideration of the sum of Ten (\$10.00) Dollars to him in paid by the said party of the second part, receipt whereof is hereby acknowledged, and other good, valuable and sufficient consideration, has remised, released and quit-claimed, and by these presents doth remise, release, quit-claim, sell and convey unto the said party of the second part, its successors and assigns, all of the following described real estate situate in Silver Bow Basin, in the Juneau Recording District, in the Territory of Alaska, the following described lode mining claims, to wit:

THE CAPE HORN lode mining claim,

Fifteen hundred (1500) feet linear and horizontal measurement on this the Cape Horn Lode along the vein thereof with all its dips, variations and angles; together with three hundred (300) feet in width on each side of the middle of the lode at the surface for working purposes and all veins, lodes, ledges and deposits and surface ground within the lines of said

claim running from this location notice fifteen hundred (1500) feet in a West by North direction; corners marked by stakes, blazed trees and monuments.

Said lode mining claim being recorded in Book 11 of Lodes, page 8 of the official records in the office of United States Commissioner and Recorder of the Juneau Recording District, Territory of Alaska.

THE EUREKA lode mining claim,

Fifteen hundred (1500) feet linear and horizontal measurement on this Eureka lode along the vein thereof, with all its dips, variations and angles; together with Three Hundred (300) feet in width on each side of the middle of the lode at the surface for working purposes, and all veins, lodes, ledges, deposits and surface ground within the lines of said claim, running from this location notice Seven Hundred and fifty feet in a West by North direction and Seven Hundred and Fifty feet in an East by South direction. Corners marked with stakes, blazed trees and monuments.

Said lode mining claim being recorded in Book 11 of Lodes, [2017] page 10 of the official records in the office of the United States Commissioner and Recorder of the Juneau Recording District, Territory of Alaska. Together with all and singular the lodes and veins within the lines of said claims, and the dips, spurs, mines, minerals, dumps, fixtures, improvements, rights, privileges and appurtenances thereunto in any wise belonging.

TO HAVE AND TO HOLD the lands, tenements and hereditaments hereby conveyed unto the said

party of the second part, its successors and assigns forever.

IN WITNESS WHEREOF the said party of the first part has hereunto set his hand and seal the day and year first herein above written.

(Signed) WM. M. EBNER. (SEAL)

Witnesses:

JNO. R. WINN.

NEWARK L. BURTON.

United States of America,
Territory of Alaska,—ss.

THIS IS TO CERTIFY that on this 3rd day of August, A. D. 1914, before me, Newark L. Burton, a Notary Public in and for the Territory of Alaska, duly commissioned and sworn, personally came William M. Ebner, to me known to be the individual described in and who executed the within and foregoing instrument, and acknowledged to me that he signed and sealed the same as his free and voluntary act and deed for the uses and purposes therein mentioned.

WITNESS my hand and official seal the day and year in this certificate first above written.

(Notarial Seal)

(Signed) NEWARK L. BURTON,

Notary Public for Alaska.

My commission expires November 8, 1917.

Defts. Exhibit No. "G-1." Received in evidence Aug. 5, 1914. In Cause no. 1074-A. J. W. Bell, Clerk. By J. T. Reed, Deputy. [2018]

I HEREBY CERTIFY that the above and foregoing is a full, true, correct and complete copy of the original deed offered in evidence in the case of The Alaska-Juneau Gold Mining Company vs. the Ebner Gold Mining Company, et al., No. 1074-A, of the District Court for the District of Alaska, Division No. One.

I further certify that I reported the above mentioned cause, and that I have copied in my record of said cause a full, true, correct and complete copy of said foregoing deed.



Dated this 2nd day of September, 1914.

C. A. GREEN. [2019]

United States of America,
Territory of Alaska,—ss.

I do hereby certify that the foregoing is a true and correct copy of the original records as found in Book 11 of Lodes at Page 8, and every part thereof.

Dated at Juneau, Alaska, this 28th day of July, 1914.

JOHN B. MARSHALL,
District Recorder. [2020]

**Defendant's Exhibit "H-1"—Notice of Location of
Wm. M. Ebner et al. of the Cape Horn Lode.**

LOCATION NOTICE.

District of Alaska.

Juneau Recording District,—ss.

The within instrument was filed for record at 1:30 o'clock P. M. and duly recorded in Book 11 on page 8 of the records of said District.

H. W. MELLEN, District Recorder.

KNOW ALL MEN BY THESE PRESENTS:

That we, the undersigned, of the Town of Juneau, citizens of the United States, over the age of twenty-one (21) claim by right of discovery and location. Fifteen hundred (1500) feet linear and horizontal measurement, on this the Cape Horn Lode along the vein thereof, with all its dips variations and angles; together with three hundred (300) feet in width on each side of the middle of the lode at the surface, for working purposes, and all veins, lodes,

ledges and deposits and surface ground within the lines of said claim running from this location notice fifteen hundred (1500) feet in a West by North direction; corners marked by stakes, blazed trees and monuments. This claim shall be known as the Cape Horn Lode, situated in the Harris Mining District, about one and one half (1½) miles from Juneau, on the Basin Road, Discovered and located this 27th day of July A. D. 1895.

WILLIAM M. EBNER.

FRED MICHU.

GEORGE DUKE.

Defts. Exhibit No. "H-1." Received in evidence Aug. 5, 1914. In Cause 1074-A. J. W. Bell, Clerk. By J. T. Reed, Deputy. [2021]

Territory of Alaska,
Juneau Precinct,—ss.

I hereby certify that the foregoing is a true and correct copy of the original records as found in Book Eleven of Lodes, on Page ten, and every part thereof.

Dated Juneau, Alaska, Aug. 4th, 1914.

(Seal)

JOHN B. MARSHALL,

District Recorder. [2022]

**Defendant's Exhibit "I-1"—Notice of Location of
Wm. M. Ebner et al. of Eureka Lode.**

DISTRICT OF ALASKA,
Juneau Recording District,—ss.

The within instrument was filed for record at 1:30 o'clock P. M. Aug. 8, 1895, and duly recorded in

Book 10 on page 10 of the records of said District.

H. W. MELLEN,
District Recorder.

Know all me by these presents; That we, the undersigned of the Town of Juneau citizens of the United States, over the age of twenty-one (21) years claim by right of discovery and location fifteen hundred (1500) feet linear and horizontal measurement on this Eureka Lode along the veins thereof, with all its dips, variations and angles; Together with three-hundred (300) feet in width on each side of the middle of the lode at the surface for working purposes, and all veins, lodes, ledges, deposits and surface ground within the lines of said claim, running from this location notice Seven hundred and fifty feet in a West by North Direction and Seven Hundred and fifty feet in an East by South Direction. Corners marked by stakes, blazed trees and monuments. This is situated in the Harris Mining District about one and one-half miles from the Town of Juneau, along the Silver Bow Basin Road, Discovered and located this 3rd day of August, 1895.

WILLIAM M. EBNER.
FRED MICHU.
GEORGE DUKE.

Eureka Lode.

Defts. Exhibit No., "I-1." Received in evidence Aug. 5, 1914. Cause No. 1074-A. J. W. Bell, Clerk. J. T. Reed, Deputy. [2023]

**Defendant's Exhibit "J-1"—Deed July 15, 1896—
George Duke to Wm. M. Ebner, etc.**

THIS INDENTURE, Made this 15th day of July, in the year of our Lord one thousand eight hundred and ninety-six;

By and between George Duke of the town of Juneau, District of Alaska, by William M. Ebner, his attorney-in-fact, of the first part and Anna L. Zimmermanly, of Minneapolis, Minnesota, party of the second part;

WITNESSETH: That the said party of the first part for and in consideration of the sum of three hundred and fifty dollars, (\$350.00) gold coin of the United States of America, to him in hand paid, by the said party of the second part, the receipt whereof is hereby acknowledged does by these presents grant, bargain, sell, remise, release, and forever quit-claim unto the said party of the second part, and to her heirs and assigns, an undivided one fourth ($\frac{1}{4}$) interest or part of, in and to those certain mining claims, veins, leads, or lodes, containing, gold or silver and other precious metals, situate, lying and being in Shuck Basin at the head of Windom Bay about one (1) mile from salt water in the Juneau Recording District, District of Alaska, and known as the Red Wind Lode claim, Blosson Lode claim, Broad Lode claim, Crown Lode claim, Cliff Lode claim, Flossie Lode claim, Lanark Lode claim, and the Bird Lode claim.

Also an undivided one-fourth ($\frac{1}{4}$) interest or part of in and to the Spruce Creek Water Right, or claim.

Also an undivided one-fourth ($\frac{1}{4}$) interest in and to the said boat known as the Red Wing and the tools, tackle and personal property of every description belonging to said boat and to the said mines.

Also an undivided one-third ($\frac{1}{3}$) interest of, in and to these certain mining claims, veins, leads or lodes, containing gold or silver and other precious metals, situate, lying and being in the Lower Silver Bow basin, Harris Mining District, [2024] District of Alaska, and about one and one half ($\frac{1}{2}$) miles from Juneau, Alaska, and known as the Eureka Lode claim; also the Cape Horn Lode.

Together with all the dips, spurs, and angles, and also all the metals, ores gold and silver bearing quartz rock and earth therein; and all the rights, privileges and franchises, thereto incident and appendant and appurtenant or therewith usually had and enjoyed; and also all and singular the tenements hereditaments and appurtenances thereunto belonging or in anywise appertaining and the rents, issues and profits thereof;

That the location notices for the said claims herein before described are recorded in the Juneau Recording District of Alaska, as follows:

The Bird lode claim recorded at 6 o'clock P. M. June 29, 1885, in Book 10 on page 260; the Lanark lode claim recorded at 6 o'clock P. M. June 29th, 1895, in Book 10, page 259 the Flossie lode claim recorded at 6 o'clock P. M. June 29th, 1895, in Book 10, page 258, the Cliff lode claim recorded at 9 o'clock A. M. September 11th, 1894, in Book P page 358 the Crown lode claim recorded at 9 o'clock A. M. Septem-

ber 11, 1894, in Book P, page 357. The Broad lode claim recorded 9 o'clock A. M. September 11th, 1894, in Book P at page 356. The Blossom lode claim recorded at 1:30 P. M. June 16th, 1894, in Book P page 292, the Red Wing lode claim recorded at 1:30 o'clock P. M. June 16, 1894, Book P at page 290, the Eureka Lode claim, recorded at 1:30 P. M. Aug. 9th, 1895, in Book 11 at page 10, the Cape Horn lode claim recorded at 1:30 P. M. August 8th, 1895, Book 11, page 8.

TO HAVE AND TO HOLD, all and singular the said premises, together with the said premises, together with the [2025] appurtenances and privileges thereunto incident unto the said party of the second part her heirs and assigns forever.

IN WITNESS WHEREOF, the said party of the first part has hereunto set his hand and seal the day and year first above written.

GEORGE DUKE. (LS)

By WILLIAM M. EBNER,

His Attorney-in-Fact.

Signed, sealed and delivered in presence of

HARRISON BOSTWICK.

I. M. PEARL.

United States,

District of Alaska,—ss.

THIS IS TO CERTIFY that on this 15th day of July, A. D. 1896, before me, Harrison Bostwick, a Notary Public duly commissioned and sworn in and for the District of Alaska, personally appeared William M. Ebner personally known to me to be the same person who subscribed his name to the within instrument as the attorney-in-fact of George

Duke and the said William M. Ebner acknowledged to me that he subscribed the name of the said George Duke thereto as principal and his own name as attorney-in-fact.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal this 15th day of July, 1896.

Notarial Seal HARRISON BOSTWICK,
Notary Public for Alaska.

Filed for record at 6 P. M. July 15, 1896.

H. W. MELLEN,
District Recorder. [2026]

United States of America,
Territory of Alaska,—ss.

I hereby certify that the foregoing is a true and correct copy of the records of the original records as appears in Book 11 of Deeds, at page 394, and of the whole thereof.

Dated at Juneau, Alaska, July 29, 1914.

JOHN B. MARSHALL

United States Commissioner ex-officio District Recorder.

Defts. Exhibit No. "J-1." Received in evidence Aug. 5, 1914. In Cause No. 1074-A. J. W. Bell, Clerk. By J. T. Reed, Deputy. [2027]

**Defendant's Exhibit "K-1"—Deed, Aug. 29, 1896,
Fred Micho to Wm. M. Ebner.**

THIS INDENTURE, Made this 29th day of August, 1896, between Fred Micho, of the District of Alaska, party of the first part, and William M.

Ebner, of Juneau, Alaska, party of the second part,

WITNESSETH: That the said party of the first part, for and in consideration of the sum of four hundred dollars (\$400.00) and other valuable considerations, to him in hand paid by the party of the second part, the receipt whereof is hereby acknowledged, does by these presents grant, bargain, sell, remise, release and forever quitclaim unto the second party and to his heirs and assigns an undivided one-eighth ($\frac{1}{8}$) interest or part of, in and to all of those certain mining lode claims containing gold and silver and other precious metals, lying and being in Shuck Basin at the head of Windon Bay in Shuck Mining District, and District of Alaska, which said claims are known and designated as follows: Red Wing, Blossom, Broad, Crown, Cliff, Flossie, Lanark, and Bird lode claims. Also an undivided one-eighth ($\frac{1}{8}$) interest or part of, in and to the Spruce Creek water right; also an undivided one-third ($\frac{1}{3}$) interest or part of, in and to the Cape Horn lode claim and Eureka lode claim, situate in Silver Bow Basin, about one and half ($1\frac{1}{2}$) miles from Juneau, in Harris Mining District, District of Alaska: Also five sixteenths ($\frac{5}{16}$) interest in and to the Electra lode claim, Mildred lode claim, Vera lode claim, Lucy lode claim, May lode claim, and Ethel Lode claim, situate at the head of Windon Bay, Shuck Mining District, District of Alaska; also five sixteenths ($\frac{5}{16}$) interest in and to the Anna lode claim and the Francis lode claim, situate at the entrance of Windon Bay, right hand side looking up the Bay at mouth of creek, [2028] all

of which said property above described is situate in the Juneau recording district, District of Alaska;

TOGETHER with all dips, spurs, and angles, and also all metals, ores, gold and silver bearing quartz, rock and earth, therein, and all the rights, privileges, franchises, thereunto incident, appendant and appurtenant or therewith used, had and enjoyed, and also all and singular the tenements, hereditaments and appurtenances thereunto belonging or in any wise appertaining.

To have and to hold all and singular, the said premises, together with the appurtenances and privileges thereunto incident unto the said party of the second part, his heirs and assigns forever.

IN WITNESS WHEREOF the said party of the first part has hereunto set his hand and seal the day and year first above written.

his
FRED X MICH0. Seal.
mark

Signed, Sealed and Delivered in the presence of
C. S. HAINMAN.
J. SULLIVAN.

United States of America,
District of Alaska,—ss.

THIS CERTIFIES, that on this 29th day of August, 1896, before me a Notary Public personally appeared Fred Micho, personally known to me to be the same person who executed the foregoing instrument and acknowledged to me that he executed

2240 *Alaska-Juneau Gold Mining Company vs.*
and signed the same for the uses and purposes
~~specified.~~
therein mentioned.

IN WITNESS WHEREOF, I have hereunto set
my hand and affixed my seal this 29th day of August,
1896.

Notarial Seal.

C. S. HAINMAN,
Notary Public for Alaska.

Filed for record at March 22, 1897, at 9 o'clock
A. M. [2029]

JOHN Y. OSTRANDER,
Dist. Recorder.

United States of America,
Territory of Alaska,—ss.

I do hereby certify that the foregoing is a true
and correct copy of the original records as appears
in Book 12 of Deeds at page 121, and every *par*
thereof.

Dated at Juneau, Alaska, July 29th, 1914.

JOHN B. MARSHALL,
District Recorder.

Defts. Exhibit "K-1." Received in evidence
Aug. 5, 1914. In Cause No. 1074-A. J. W. Bell,
Clerk. By J. T. Reed, Deputy. [2030]

**Defendant's Exhibit "L-1"—Deed, July 15, 1896,
Anna L. Zimmerly to William M. Ebner.**

THIS INDENTURE, made this 15th day of July,
in the year of our Lord one thousand eight hundred
and ninety-six, between Anna L. Zimmerly (an un-
married woman) of Minneapolis, Minnesota, party
of the first part, and William M. Ebner, of Juneau,

Alaska, party of the second part; Witnesseth:

That the said party of the first part, for and in consideration of the sum of one dollar (\$1.00) and other valuable considerations, to me in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, does by these presents, grant, bargain, sell, remise, release and forever quitclaim unto the said party of the second part and to his heirs and assigns, an undivided one-sixteenth ($1/16$) interest or part of, in and to all those certain mining claims, veins, leads or lodes, containing gold or silver and other precious metals, lying and being in Shuck Basin, at the head of Windham Bay, in the District of Alaska, and about one (1) mile from salt water, in the Juneau Recording District, which said claims are known and designated as follows: Red Wing lode claim, Blossom lode claim, Broad lode claim, Crown lode claim, Cliff lode claim, Flossie lode claim, Lanark lode claim, and the Bird lode claim.

Also an undivided one sixteenth ($1/16$) interest or part of, in and to the Spruce Creek water right.

Also one third ($1/3$) of those certain mining claims veins, leads, or lodes, containing gold and silver and other precious metals, situate, lying and being in Silver Bow Basin, Harris Mining District, District of Alaska, and about one and one-half miles ($1\frac{1}{2}$) from the Town of Juneau and known and designated as the Eureka lode claim and the Cape Horn lode claim, the location notices for all of said claims are recorded in the Juneau Recording District, as follows, to wit: [2031]

Bird lode claim, recorded at 6:30 o'clock p. m. June 29th, 1895, in book 10 on page 260; the Lanark lode claim recorded at 6 o'clock p. m. June 29th, 1895 in Book 10, page 259; the Flossie lode claim recorded at 6 p. m. June 29th, 1895, in book 10 on page 258; the Cliff lode claim recorded at 9 o'clock a. m. September 11, 1894 in book P at page 358. The Crown lode claim recorded at 9 o'clock a. m. September 1894 in book P at page 357. The Broad lode claim recorded at 9 o'clock a. m. September 11, 1894 in book P at page 356. The Blossom lode claim recorded at 1:30 p. M. June 16, 1894, in Book P at page 292. The Red Wing lode claim, recorded at 1:30 P. M. June 16th, 1894 in Book P at page 290. The Eureka lode claim recorded at 1:30 P. M. August 8, 1895 in Book 11 at page 10, and the Cape Horn lode claim recorded at 1:30 p. m. August 8, 1895, in Book 11, page 8.

Together with all the dips, spurs and angles and also all the metals, ores, gold and silver bearing quartz, rock and earth therein; and all the rights, privileges and franchises, thereunto incident, appendant and appurtenant, or therewith usually had and enjoyed; and also all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and the rents, issues and profits thereof.

TO HAVE AND TO HOLD all and singular, the said premises, together with the appurtenances and privileges thereunto incident, unto the said party of the second part, his heirs and assigns forever.

IN WITNESS WHEREOF the said party of the first part has hereunto set her hand and seal the day and year first above written.

ANNA L. ZIMMERBY, L. S.

Signed, Sealed and Delivered in presence of

A. R. YOUNG.

DANIEL FISH.

State of Minnesota,
County of Hennepin,—ss.

THIS CERTIFIES that on this 14th day of November, 1896, before me the undersigned, a Notary Public personally appeared Anna L. Zimmerby, (an unmarried woman) personally known to me to be the same person who executed the foregoing instrument and who acknowledged to me that she signed, sealed and executed the same as her own free act and deed for the uses and purposes therein mentioned.

IN WITNESS THEREOF, I have hereunto set my hand and affixed my official seal this 14th day of November, 1896.

Notarial Seal.

DANIEL FISH,

Notary Public for Hennepin County, State of Minnesota.

Filed for record March 22nd, 1897 at 9 o'clock a. m.

JOHN Y. OSTRANDER,

District Recorder.

Defts. Exhibit No. "L-1." Received in evidence
Aug. 5, 1914. In Cause No. 1074-A. J. W. Bell,
Clerk. By J. T. Reed Deputy. [2033]
United States of America,
Territory of Alaska,—ss.

I do hereby certify that the foregoing is a true and

2244 *Alaska-Juneau Gold Mining Company vs.*

correct copy of the original records as appears in Book 12 of Deeds at page 119, and every *par* thereof.

Dated at Juneau, Alaska, July 29th, 1914.

(Seal)

JOHN B. MARSHALL,
District Recorder. [2034]

**Defendant's Exhibit "M-1"—Deed, Feb. 18, 1897,
Wm. M. Ebner to A. S. Lovett.**

THIS INDENTURE, made this 18th day of February, 1897, between William M. Ebner, of the town of Juneau, District of Alaska, and A. S. Lovett of the same place.

WITNESSETH: That the said party of the first part, for and in consideration of the sum of One Hundred dollars (\$100.00) to him in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, does by these presents grant, bargain, sell, remise, quitclaim and release unto the said party of the second part, his heirs, executors and assigns forever, the following described property, to wit:

Being a one (1) undivided one third ($\frac{1}{3}$) interest in and to that certain lode mining claim known as the Cape Horn lode claim; also one (1) undivided one third ($\frac{1}{3}$) interest in and to that certain lode mining claim known as the Eureka lode claim, which said Mining property is situated in the Harris Mining District, District of Alaska, in lower Silver Bow Basin, about one and half ($1\frac{1}{2}$) miles from Juneau, Alaska;

Together with all dips, spurs, and angles; also all

metals, ores, gold and silver bearing quartz, rock and earth therein, and all rights, privileges and franchises thereunto incident or therewith usually had and enjoyed.

To have and to hold all and singular the said premises, together with the appurtenances and privileges thereunto incident unto the said party of the second part, his heirs and assigns forever.

In witness whereof the said party of the first part has hereunto set his hand and seal the day and year first above written.

WM. M. EBNER. Seal

Signed, Sealed and Delivered in the presence of
C. S. BLACKETT.

F. E. YOUNG. [2035]

United States of America,
District of Alaska,—ss.

THIS IS TO CERTIFY that before me the undersigned a Notary Public in and for the District of Alaska, personally appeared the within named William M. Ebner, known to me to be the identical party who executed the foregoing instrument and who acknowledged to me that he executed the same for the uses and purposes therein mentioned.

Notarial Seal

C. S. BLACKETT,
Notary Public for Alaska.

Filed for record Feby. 18th, 1897, 11 A. M.

H. W. MELLEN,
District Recorder. [2036]

United States of America,
Territory of Alaska,—ss.

I do hereby certify that the foregoing is a true and correct copy of the original records as appears in Book 12 of Deeds at Page 26, and every part thereof.

Dated at Juneau, Alaska, July 29th, 1914.

JOHN B. MARSHALL,
District Recorder.

Defts. Exhibit "M-1." Received in evidence Aug. 5, 1914. In Cause No. 1074-A. J. W. Bell, Clerk. By J. T. Reed, Deputy. [2037]

**Defendant's Exhibit "N-1"—Deed, Feb. 18, 1897,
Wm. M. Ebner to William Power Wilson.**

THIS INDENTURE made this 18th day of February, 1897, between William M. Ebner, of the town of Juneau, District of Alaska, and William Power Wilson, of Boston, Massachusetts,

WITNESSETH: That the said party of the first part for and in consideration of the sum of One Hundred Dollars (\$100.00) to him in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, does by these presents grant, bargain, sell, remise, quitclaim and release unto the said party of the second part, his heirs, executors and assigns, forever the following described property, to-wit: Being a one (1) undivided one third ($\frac{1}{3}$) interest in and to that certain lode mining claim known as the Cape Horn Lode claim, also one (1) undivided one third ($\frac{1}{3}$) interest in and to that certain

lode mining claim known as the Eureka lode claim; also a one (1) undivided one sixth ($\frac{1}{6}$) interest in and to those two (2) certain mill sites known as the Cape Horn and Eureka mill sites; all of which said mining property and mill sites are situated in the Harris Mining District, District of Alaska, in lower Silver Bow Basin, about one and half ($1\frac{1}{2}$) miles from Juneau, Alaska.

Together with all dips, spurs and angles; also all the metals, ores, gold and silver bearing quartz, rock and earth therein, and all rights, privileges and franchises thereunto incident or therewith usually had and enjoyed.

To have and to hold all and singular the said premises together with the appurtenances and privileges thereunto incident unto the said party of the second part, his heirs and assigns forever. [2038]

IN WITNESS WHEREOF the said party of the first part has hereunto set his hand and seal the day and year first above written.

WM. M. EBNER. Seal.

Signed, Sealed and Delivered in the presence of

C. S. BLACKETT.

F. W. YOUNG.

United States of America,
District of Alaska,—ss.

THIS IS TO CERTIFY THAT BEFORE ME, THE UNDERSIGNED, a notary public in and for the District of Alaska, personally appeared the within named William M. Ebner, known to me to be the identical party who executed the foregoing instrument, and who acknowledged to me that he executed

2248 *Alaska-Juneau Gold Mining Company vs.*

the same for the uses and purposes therein mentioned.

Notarial Seal

C. S. BLACKETT,

Notary Public for Alaska.

Filed for record February 18th, 1897, 11 A. M.

H. W. MELLEN,

District Recorder.

Defts. Exhibit No. "N-1." Received in Evidence Aug. 5, 1914. In Cause No. 1074-A. J. W. Bell, Clerk. By J. T. Reed, Deputy. [2039]

United States of America,
Territory of Alaska,—ss.

I do hereby certify that the forgoing is a true and correct copy of the original records as appears in Book 12 of Deeds at Page 27, and every par. thereof.

Dated at Juneau, Alaska, July 29th, 1914.

JOHN B. MARSHALL,

District Recorder. [2040]

**Defendant's Exhibit "O-1"—Deed, Oct. 5, 1900,
Arthur S. Lovett to Anna L. Zimmerly.**

This Indenture, Made this 5th day of Oct. A. D. 1900 between Arthur S. Lovett, of Juneau, Alaska, the party of the first part, and Anna L. Zimmerly, of the same place, the party of the second part.

Witnesseth: That the said party of the first part, for and in consideration of the sum of Five Hundred (\$500.) dollars, lawful money of the United States of America, to him in hand paid by the said party of the second part, the receipt of which is hereby acknowledged, does by these presents grant, bargain,

sell, remise, release and forever quit-claim unto the said party of the second part, and to their heirs and assigns, the following:—viz: an undivided one-third ($\frac{1}{3}$) interest in and to that certain quartz mining claim known as and called the Cape Horn; situated about two miles from Juneau, in an easterly direction; the said quartz claim extending from the north bank of Gold Creek in a northwesterly direction fifteen hundred (1500) linear feet.

Also an undivided one-third ($\frac{1}{3}$) interest in and to that certain quartz mining claim known and as called the Eureka, which joins the said Cape Horn claim on the North.

Also an undivided one-third ($\frac{1}{3}$) interest in and to the Mill-Sites, located for the above named quartz claims, known as and called the Cape Horn and Eureka Mill Sites, which adjoin the said Cape Horn quartz claim on the west, and consisting of five acres each, more or less.

Also six thousand two hundred and forty (6,240) shares of the capital stock of the Boston Group Gold Mining Company, a corporation, incorporated at Juneau, Alaska, January 13th, 1900, under the laws of the State of Oregon, with the principal office at Juneau, Alaska.

By mutual agreement by and between the owners and incorporators at the time of incorporation of the said Boston Group Gold Mining Company, the issue of the stock to the owners was deferred until the first day of December, A. D. 1900. The party of the first [2041] part hereto, therefore hereby authorizes and directs the president and secretary of the said Bos-

ton Group Gold Mining Company to issue directly to the said Anna L. Zimmerly, at the time said Company's stock is issued, Six thousand two hundred and forty (6,240) shares of the said capital stock, and deduct the same from the amount of the stock of said company now owned by the said party of the first part hereto.

In Witness Whereof, The party of the first part has hereunto set his hand and seal the day and year first above written.

ARTHUR S. LOVETT.

Signed, Sealed and Delivered in the presence of

J. H. COBB.

G. R. ROSE.

United States of America,
District of Alaska.

This certifies, That on this 5th day of October, 1900, before me, the undersigned, a Notary Public in and for the District of Alaska, personally appeared the within named Arthur S. Lovett known to me to be the identical person described in and who executed the within instrument, and acknowledged to me that he executed the same freely and voluntarily, for the uses and purposes therein.

In Testimony Whereof, I have hereunto set my hand and seal the day and year above written.

(Seal)

G. M. ROSE,

Notary Public in and for the District of Alaska.

Filed for record at 2 P. M. Nov. 10, 1900.

HIRAM H. FOLSOM,

Recorder.

Defts. Exhibit No. "O-1." Received in evidence Aug. 5, 1914. In Cause No. 1074-A. J. W. Bell, Clerk. By J. T. Reed, Deputy. [2042]

United States of America,
Territory of Alaska,—ss.

I do hereby certify that the foregoing is a true and correct copy of the original records as found in Book 18 of Deeds at Page 91, and every part thereof.

Dated at Juneau, Alaska, this 28th day of July, 1914.

(Seal)

JOHN B. MARSHALL,
District Recorder. [2043]

**Defendant's Exhibit "P-1"—Deed, William Power
Wilson to William M. Ebner.**

THIS INDENTURE, made the — day of — in the year of our Lord one thousand nine hundred and three,

Between Wm. Power Wilson of Boston, Massachusetts, the party of the first part, and Wm. M. Ebner of Juneau, Alaska, the party of the second part, Witnesseth:

That the said party of the first part, for and in consideration of the sum of Two Hundred and forty two dollars, lawful money of the United States of America, to him in hand paid by the said party of the second part the receipt whereof is hereby acknowledged, has granted, bargained, sold, remised, and forever quitclaimed, and by these presents does grant, bargain, sell, remise, release and forever quitclaim unto the said party of the second part and to his

heirs and assigns all my right, title and interest, the following described lode mining claims and mill-sites, situate about one and one-half miles from Juneau, near Silver Bow Basin, in the District of Alaska, and more particularly described as follows, to-wit:

The Cape Horn Lode claim more particularly described in the location notice thereof recorded in Book 11 of Lodes, on page 8 of the records of the Juneau Recording District of Alaska, the Eureka lode claim, more particularly described in the location notice thereof, recorded in Book 11 of Lodes, on page 10, of the records of the Juneau Recording District, of Alaska, the Cape Horn mill site, more particularly described in the location notice thereof recorded in Book 5 of Placers on page 147 of the records of the Juneau recording district, District of Alaska, and the Eureka mill site, more particularly described in the location notice [2044] thereof recorded in Book 5 of Placers on page 146 of the records of the Juneau recording District, District of Alaska, to which location notices . . . is hereby made for a more full and complete description of said lode mining claims and mill sites.

Together with all the dips, spurs, and angles and also all the metals, ores, gold and silver bearing quartz rock and earth therein, and all the rights, privileges and franchises, thereto incident, appendant and appurtenant or therewith usually had and enjoyed, and also, all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining and the rents, issues and

profits thereof, and also all the estate, right, title, interest, property, possession, claim and demand whatsoever as well in law as in equity of the said party of the *first in* or to the said premises and every part and parcel thereof, with the appurtenances.

To have and to hold all and singular the said premises together with the appurtenances and privileges thereunto incident unto said party of the second part, his heirs and assigns forever.

In witness whereof the said . . . of the first part has hereunto set his hand and seal the day and year first above written.

WM. POWER WILSON, Seal.

Signed, Sealed and Delivered in the presence of—
the words “all my right, title and interest” being interlined before signing.

CARLETON HUNNEMAN. [2045]

Commonwealth of Massachusetts,
County of Suffolk,—ss.

This is to certify that on this 3rd day of February, A. D. 1903, before me, the undersigned, a Notary Public in and for the Commonwealth of Massachusetts, duly commissioned and sworn, personally came Wm. Power Wilson to me known to be the individual described in and who executed the within instrument, and acknowledged to me that he signed and sealed the same as his free and voluntary act and deed for the uses and purposes therein mentioned.

Witness my hand and official seal the day and year in this certificate first above written.

Seal CARLETON HUNNEMAN,
Notary Public in and for the State of Massachusetts
residing at Boston.

Filed for record at 1:30 P. M. Feb. 19, 1903.

H. H. FOLSOM,
Recorder. [2046]

United States of America,
Territory of Alaska,—ss.

I do hereby certify that the foregoing is a true and correct copy of the original records as appears in Book 19 of Deeds at Page 139, and every *par* thereof.

Dated at Juneau, Alaska, July 29th, 1914.

JOHN B. MARSHALL,
District Recorder.

Defts. Exhibit No. "P-1." Received in evidence Aug. 5, 1914. In Cause No. 1074-A. J. W. Bell, Clerk. By J. T. Reed, Deputy. [2047]

**Defendant's Exhibit "Q-1"—Forfeiture Notice to
Anna L. Zimmerly.**

**FORFEITURE NOTICE
TO ANNA L. ZIMMERLY.**

You are hereby notified that we, the undersigned, have expended two hundred dollars worth of labor in improvements upon the Cape Horn lode claim, situate in Silver Bow Basin, about one and one-half miles from Juneau, and we have also expended two hundred dollars worth of labor in improvements

upon the Eureka Lode claim, situate about one and one-half miles from Juneau in said lower Silver Bow Basin, the same being as representation work on said claims for the years of 1900 and 1901, and to hold the same according to Section 2324 Revised Statutes of the United States, said labor has also been performed for the purposes of representing the Cape Horn Millsite, which adjoins and is contiguous to said Cape Horn Lode claim, and also for the purpose of holding and representing the Eureka Millsite, which adjoins and is contiguous to said Eureka Lode claim. All of said Lode claims and millsites northeast of Juneau, in the District of Alaska;

And if within ninety days after this notice by publication you fail or refuse to contribute your proportion of such expenditure, as co-owner, your interest in said lode claims and millsites will become the property of the subscribers under said section 2324.

Dated this 7th day of February, 1902.

WM. M. EBNER,

WM. POWER WILSON,

First pub. Feb. 7. Last pub. May 9, 1902.

Filed for record at 4:15 P. M. Aug. 20, 1902 and recorded in Book 16 of Lodes, page 387.

HIRAM H. FOLSOM,

District Recorder. [2048]

United States of America,
District of Alaska,—ss.

John W. Frame, being first duly sworn sayeth, that he is the publisher of the Record-Miner, a daily

and weekly newspaper published in Juneau in said District of Alaska and that the said Record-Miner is a newspaper published nearest to the Cape Horn Lode Claim, situated in Silver Bow Basin, and to the Eureka Lode Claim, situated in Silver Bow Basin, and to the Cape Horn Millsite, contiguous to said Cape Horn Lode Claim, and the Eureka Millsite, contiguous to the Eureka Lode Claim; and that the above notice was published in said paper for fourteen successive weeks, the first publication appearing in the issue of February 7, 1902, and the last publication in the issue of May 9, 1902.

JOHN W. FRAME,

Subscribed and sworn to before me this 17th day of June, 1902.

(Seal)

C. C. HEID,

Notary Public for Alaska.

United States of America,
District of Alaska,—ss.

William M. Ebner, being first duly sworn sayeth that Anna L. Zimmerly, the person named in the foregoing notice attached to the foregoing proof of publication, wholly failed to comply with the demand contained in said notice to pay or tender her proportion of said expenditure, during the period of said notice, or written ninety days thereafter or at any time.

WM. EBNER.

Subscribed and sworn to before me this 20th day of August, 1902.

C. C. HEID,

Notary Public for Alaska. [2049]

United States of America,
Territory of Alaska,—ss.

I do hereby certify that the foregoing is a true and correct copy of the original records as appears in Book 16 of Lodes at Page 387 & 388, and every *par* thereof.

Dated at Juneau, Alaska, July 29th, 1914.

(Seal)

JOHN B. MARSHALL,
District Recorder.

Defts. Exhibit No. "Q-1." Received in evidence
Aug. 5, 1914. In Cause No. 1074-A. J. W. Bell,
Clerk. By J. T. Reed, Deputy. [2050]

**Defendant's Exhibit "R-1"—Location Notice of
Thos. J. McCully.**

District of Alaska,
Juneau,—ss.

The within instrument was filed for record at 10:30 o'clock A. M. Sept. 3, 1900 and duly recorded in Book 15 Lodes on page 406 of the records of said District.

HIRAM H. FOLSOM,
District Recorder.

LOCATION NOTICE.

Notice is hereby given that I, Thos. J. McCully, the undersigned have this 21 day of August, 1900, located and claimed, and by these presents do locate and claim, by right of discovery and location, in compliance with the Mining Act of Congress, Approved May 10, 1872, and all subsequent acts, and

with the local customs, laws, and regulations, fifteen hundred linear feet and horizontal measurement on the *this* lode, vein, ledge or deposit along the vein thereof, with all its dips, angles and variations, as allowed by law, together with three hundred feet on the Northerly side and three hundred feet on the Southerly side of the middle of said vein at the surface, so far as can be determined from present developments, and all veins, lodes, ledges or deposits and surface ground, within the lines of said claim 1500x600 feet running North West from center of discovery shaft; and x x feet running from center of discovery shaft; said discovery shaft being situated upon said lode, vein, ledge, or deposit, and within the lines of said claim, in Harris Mining District; Dist. of Alaska, described by metes and bounds as follows, to wit:

Commencing at this discovery post, being the center of the vein or claim, and upon which this notice is posted, thence 1500 feet N. W., to a post marked N. W. center end; thence 300 feet North to a post marked N. W. corner; thence 300 feet South to a post marked S. W. corner; thence 1500 feet S. E. to a post marked S. E. center end; thence 300 feet South to a post marked S. E. corner; thence 300 feet North to a post marked N. E. corner; thence 300 feet south to a stake & notice center end.

This claim is further described as follows; Situate on Gold [2051] Creek Harris Mining Dist. of Alaska, on the North Side of the Creek about 400 feet from the end lines of Last Chance Placer Min-

ing Co., and shall be known as the Auk Chief Mine.

Discovered x x.

Located Aug. 21, 1900. [2052]

THOMAS J. McCULLY, Locator.

United States of America,

Territory of Alaska,—ss.

I do hereby certify that the foregoing is a true and correct copy of the original records as found in Book 15, of Lodes at Page 406, and every part thereof.

Dated at Juneau, Alaska, this 28th day of July, 1914.

JOHN B. MARSHALL,

District Recorder.

Defts. Exhibit No. "R-1." Received in evidence Aug. 5, 1914. In Cause No. 1074-A. J. W. Bell, Clerk. By J. T. Reed, Deputy. [2053]

**Defendant's Exhibit "S-1"—Notice of Location of
Thos. J. McCully.**

District of Alaska,

Juneau,—ss.

The within instrument was filed for record at 12 o'clock M. July 18, 1901 and duly recorded in Book 16 of Lodes on page 104 of the records of said District.

HIRAM H. FOLSOM,

Juneau District Recorder.

Notice is hereby given that I the undersigned citizen of the United States, having complied with the requirements of chapter 6, Title 32 of the Revised Statutes of the U. S. and the local laws, cus-

toms and regulations have this day located and claim 1500 linear feet by 600 feet in width on this mineral bearing vein.

Commencing at a Stake and Notice on the Right hand bank of Gold Creek about three hundred feet above Snow Slide Gulch, and running in a Southeast-erly direction to a Stake marked S. E. End line. This claim is situated in Harris Mining Dist. Dist. of Alaska and shall be known as the Taku Queen.

Located June 27-1901.

Locator, THOMAS J. McCULLY. [2054]

United States of America,
Territory of Alaska,—ss.

I do hereby certify that the foregoing is a true and correct copy of the original records as found in Book 16 of Lodes at Page 104, and every part thereof.

Dated at Juneau, Alaska, this 28th day of July, 1914.

JOHN B. MARSHALL,
District Recorder.

Defts. Exhibit No. "S-1." Received in evidence Aug. 5, 1914. In Cause No. 1074-A. J. W. Bell, Clerk. By J. T. Reed, Deputy. [2055]

**Defendant's Exhibit "T-1"—Deed, Dec. 13, 1909,
Thos. J. McCully et al. to H. T. Tripp.**

THIS INDENTURE, made the 13th day of December, in the year of our Lord one thousand nine hundred and nine,

BETWEEN Thomas J. McCully and E. M. Barnes, of Juneau, Alaska, the parties of the first

part, and H. T. Tripp of Juneau, Alaska, the party of the second part,

WITNESSETH: That the said parties of the first part, for and in consideration of the sum of one hundred dollars in gold coin of the United States of America, to them in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, have granted, bargained, sold, remised, released and forever quitclaimed, and by these presents do grant, bargain, sell, remise, release and forever quitclaim unto the said party of the second part, and to his heirs and assigns, those certain lode mining claims situated in Harris Mining Dist., Dist. of Alaska, named and known as the Taku Queen, the record location thereof is recorded in Book 16 at p. 104 of lode claims in Juneau Recording District and the Auk Chief the record location thereof is recorded in Book 15 at p. 406 of lode claims in said Juneau recording District, said Thomas J. McCully being the original locator of said claims, said claims are contiguous, the Auk Chief lying adjacent and northerly of the Taku Queen. No conveyance has been made of these premises or any part thereof by either party of the first except as is herein named.

TO HAVE AND TO HOLD, all and singular, the said premises, together with the appurtenances and privileges thereunto incident, unto the said party of the second part, and his heirs and assigns forever.

[2056]

IN WITNESS WHEREOF, the said parties of the first part have hereunto set their hands and seals

the day and year first above written.

E. M. BARNES. (Seal)

THOMAS J. McCULLY. (Seal)

Signed, Sealed and delivered in presence of

GEORGE KOHLHEPP.

United States of America,

District of Alaska,—ss.

THIS IS TO CERTIFY that on this 13th day of Dec. A. D. 1909, before me, the undersigned, a notary public in and for the District of Alaska, duly commissioned and sworn, personally came Thomas J. McCully and E. M. Barner personally to me known to be the individuals described in and who executed the within instrument, and who personally acknowledged to me that he signed and sealed the same as his free and voluntary act and deed, for the uses and purposes therein mentioned.

Witness my hand and official seal, the day and year in this certificate first above written.

(Seal)

GUY McNAUGHTON,

Notary Public in and for the District of Alaska, Residing at Juneau.

My commission expires October 24th, 1912.

Filed for record at 2:45 P. M. Dec. 13th, 1909.

H. H. FOLSOM,

Recorder. [2057]

United States of America,

Territory of Alaska,—ss.

I hereby certify that the foregoing is a true and correct copy of the records of the original records as appears in Book 22 Deeds of p. 295, and of the whole thereof.

Dated at Juneau, Alaska, July 29th, 1914.

JOHN B. MARSHALL,

United States Commissioner ex-Officio District
Recorder.

Defts. Exhibit No. "T-1." Received in Evidence
Aug. 5, 1914. In Cause No. 1074-A. J. W. Bell,
Clerk. By J. T. Reed, Deputy. [2058]

**Defendant's Exhibit "U-1"—Deed, Apr. 4, 1912, H.
T. Tripp to H. W. Hoops.**

THIS INDENTURE, made this 4th day of April,
in the year of our Lord One Thousand Nine Hun-
dred and twelve, between H. T. Tripp of the town of
Juneau, in the District of Alaska, party of the first
part, and H. W. Hoops, of the City of New York in
the State of New York, party of the second part:

WITNESSETH:

That the said party of the first part for and in con-
sideration of the sum of One (\$1.00) Dollar, lawful
money of the United States of America, and other
valuable considerations to him in hand paid by the
said party of the second part, the receipt whereof is
hereby acknowledged, has remised, released and for-
ever quitclaimed and by these presents does remise,
release and forever quitclaim unto the said party of
the second part, his heirs and assigns forever, all of
those certain tracts, pieces or parcels of land and that
certain water rights situate, lying and being in the
Harris Mining District, Juneau Recording District,
in the District of Alaska, more particularly described
as follows, to wit:

“A.” All that certain Lode Mining Claim, situate in the Harris Mining District, in the District of Alaska, known as the “Taku Queen” the location notice of which is recorded in Book sixteen of Lodes at page 104 of the Records of the Juneau Recording District in the Office of the Recorder of said District at Juneau, Alaska, to which book, page and records reference is hereby made for a more particular and accurate description of said mining claim.

“B.” Also all that certain Lode Mining Claim situate in the Harris Mining District in the District of Alaska known as the Auk Chief.” The Location Notice of which is recorded in Book Fifteen of Lodes at page 406 of the Records of the Juneau Recording District at the office of the Recorder of said District at Juneau, Alaska, to which book, page and records reference is hereby made for a more particular and accurate description of said mining [2059] claim.

“C.” Also that fractional Lode Claim known as “The Fractional Claim” lying between the United States Patented Claims, Blaine, Grand Review and Crown Point in the Harris Mining District, District of Alaska, the Location Notice of the said “Fractional” Lode Claim is recorded in the records in the office of the Recorder of the Juneau Recording District at Juneau, Alaska, in Book 19 of Lodes at page 439, to which book, page and records reference is hereby made for a more particular and accurate description of said mining claim.

“D.” Also all that tract or parcel of non-mineral land known as “The Parish Mill Site,” which said tract was located for mill site purposes and contains

five (5) acres of ground more or less, situate just northerly of and adjoining U. S. Lots Nos. 150, 151, 152, and 153 on Gold Creek in the Harris Mining District, District of Alaska, The Location Notice of said "Parish Mill site Claim" is recorded in the records in the office of the Recorder of the Juneau Recording District at Juneau, Alaska, in Book 10 of Placers, page 158, to which book, page and Records reference is hereby made for a more particular and accurate description of said mill-site claim;

"E." Also that certain ditch and water right to ten thousand (10,000) miner's inches of water flowing in Gold Creek, which ditch and water right is more particularly described in the Notice of Location thereof, which said notice of Location is dated June 20, 1910, and recorded on October 25, 1910, in Volume 10 of Placers and Water Rights at page 186 thereof; of the records of the Juneau Recording District.

TOGETHER WITH all and singular the tenements, hereditaments and appurtenances thereunto belonging or in any wise thereunto appertaining, and the reversion and reversions remainder and remainders, rents, issues and profits thereof and also the estate, right, title, interest, property, possession, claim and demand whatsoever [2060] as well in law as in equity of the said party of the first part of, in and to the said premises and rights and every part thereof, with the appurtenances and all veins, lodes and ledges within the surface boundary lines of the said mining claims, and each of them, the dips, spurs and angles and the right to follow the same upon

every dip and any and all minerals therein contained and all improvements situate thereon, and to all rights under said location of ditch and water right.

TO HAVE AND TO HOLD all and singular the said premises, together with the appurtenances unto the said party of the second part, and to his heirs, executors and assigns forever.

IN WITNESS WHEREOF the said party of the first part has hereunto set his hand and seal the day and year first above written.

H. T. TRIPP. (L. S.)

Signed, Sealed and Delivered in the presence of

JNO. B. MARSHALL.

ROYAL A. GUNNISON.

United States of America,
District of Alaska,
Division No. One,—ss.

Now on this 4th day of April, 1912, before me, a Notary Public, duly commissioned in and for the District of Alaska, came H. T. Tripp, personally known to me and to me known to be the person who executed the foregoing quit-claim deed, consisting of three pages and acknowledged to me that he executed the same for the uses and purposes therein set forth.

(Notarial Seal) JOHN B. MARSHALL,
Notary Public in and for the District of Alaska.

Filed for record at 1:55 P. M. April 4, 1912.

G. C. WINN,
Recorder. [2061]

United States of America,
Territory of Alaska,—ss.

I do hereby certify that the foregoing is a true and

correct copy of the original records as found in Book 23 of Deeds at Page 172, and every part thereof.

Dated at Juneau, Alaska, this 28th day of July, 1914.

[Seal]

JOHN B. MARSHALL,
District Recorder.

Defts. Exhibit No. "U-1." Received in Evidence Aug. 5, 1914. In Cause No. 1074-A. J. W. Bell, Clerk. By J. T. Reed, Deputy. [2062]

**Defendant's Exhibit "V-1"—Deed, Mar. 10, 1913,
Herman W. Hoops to Sidney J. Jennings.**

THIS INDENTURE, made the 10th day of March, 1913, between HERMAN W. HOOPS, of the City of New York, in the State of New York, party of the first part, and SIDNEY J. JENNINGS, of the same place, party of the second part; WITNESSETH:

That the said party of the first part for and in consideration of the sum of One (\$1.00) Dollars, lawful money of the United States of America, and other valuable consideration to him in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, has remised, released and forever QUIT-CLAIM and by these presents does remise, release and forever quitclaim unto the said party of the second part, his heirs and assigns, forever, all those certain tracts, pieces or parcels of land and that certain water right situate, lying and being in the Harris Mining District, Juneau Recording District, in the District of Alaska, more particularly

described as follows to-wit:

“A” All that certain Lode Mining Claim, situate in the Harris Mining District in the District of Alaska, known as “THE TAKU QUEEN” the location notice of which is recorded in Book Sixteen of Lodes at page 104 of the Records of the Juneau Recording District in the office of the Recorder of said District at Juneau, Alaska, to which book, page and records reference is hereby made for a more particular and accurate description of said mining claim;

“B” Also all that certain lode mining claim situate in the Harris Mining District, in the District of Alaska known as the “AUK CHIEF,” the location notice of which is recorded in Book Fifteen of Lodes at page 406 of the Records of the Juneau Recording District at the office of the Recorder of said District at Juneau, Alaska, to which book, page and records reference is hereby made for a more particular and accurate description of said mining claim.

“C” Also that fractional lode claim known as “THE FRACTIONAL CLAIM” lying between the United States Patented Claims, Blaine, Grand Review and Crown Point in the Harris Mining District, District of Alaska, the Location Notice of the said “Fractional Lode Claim” is recorded in the records in the office of the Recorder of [2063] the Juneau Recording District at Juneau, Alaska, in Book 19 of Lodes, at page 439, to which book, page and records reference is hereby made for a more particular and accurate description of said mining claim;

“D” Also all that tract or parcel of non-mineral

land known as "THE PARISH MILL SITE," which said tract was located for mill site purposes and contains five (5) acres of ground more or less, situate just northerly of and immediately adjoining U. S. Lots Nos. 150, 151, 152, and 153 on Gold Creek in the Harris Mining District, District of Alaska; the location notice of said "Parish Mill-Site Claim" is recorded in the records in the office of the Recorder of the Juneau Recording District at Juneau, Alaska, in Book Ten of Placers at page 158, to which book, page and records reference is hereby made for a more particular and accurate description of said mill-site claim.

"E" Also that certain ditch and water right to ten thousand (10,000) miner's inches of water flowing in Gold Creek, which ditch and water right is more particularly described in the Notice of Location thereof, which said Notice of Location is dated June 20, 1910, and recorded on October 25, 1910, in Volume 10 of Placer and Water Rights at page 186 thereof; of the Records of the Juneau Recording District.

TOGETHER with all and singular the tenements, hereditaments, and appurtenances thereunto belonging or in anywise thereunto appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof and also the estate, right, title and interest, property, possession, claim and demand whatsoever as well in law as in equity of the said party of the first part of, in or to the said premises and rights and every part thereof, with the

appurtenances and all veins, lodes and ledges within the surface boundary lines of [2064] the said mining claims, and each of them, the dips, spurs and angles and the right to follow the same upon every dip and any and all minerals therein contained, and all improvements situate thereon; and to all rights under said location of ditch and water right.

BEING the same premises conveyed to the party of the first part by H. T. Tripp by quitclaim deed dated April 4, 1912, and recorded on the same day in Book 23 of Deeds at page 172 in the Office of the District Recorder of the said District of Alaska at Juneau.

TO HAVE AND TO HOLD all and singular the said premises, together with the appurtenances unto the said party of the second part, and to his heirs, executors, and assigns forever.

IN WITNESS WHEREOF the said party of the first part has hereunto set his hand and seal the day and year first above written.

HERMAN W. HOOPS, L. S.

Signed, Sealed and Delivered in the presence of:

THOMAS E. WING,

JOSEPHINE J. KELLER.

State of New York,
County of New York,—ss.

On this tenth day of March, 1913, before me, a notary public duly commissioned in and for the County of New York, State of New York, came Herman W. Hoops, to me personally known and known to me to be the person described in and who executed the foregoing quit-claim deed, and acknowledged to me that

he executed the same for the uses and purposes therein set forth.

(Notary Seal) JOSEPHINE J. KELLER,
Notary Public, New York Co., No. 134 N. Y. Co.
Registers No. 3131.

Filed for record at 10 A. M. July 11, 1914, and recorded in Book 25 of Deeds, Page 1.

JOHN B. MARSHALL,
District Recorder. [2065]

United States of America,
Territory of Alaska,—ss.

I do hereby certify that the foregoing is a true and correct copy of the original records as found in Book 25 of Deeds at Page 1 and every part thereof.

Dated at Juneau, Alaska, this 28th day of July, 1914.

JOHN B. MARSHALL,
District Recorder.

Defts. Exhibit No. "V-1." Received in Evidence Aug. 5, 1914. In Cause No. 1074-A. J. W. Bell, Clerk. By J. T. Reed, Deputy. [2066]

**Defendant's Exhibit "W-1"—Deed, May 21, 1914,
Sidney J. Jennings to Ebner Gold Mining Co.**

THIS INDENTURE, made this 21st day of May 1914 between SIDNEY J. JENNINGS, of the City of New York, in the State of New York, party of the first part, and EBNER GOLD MINING COMPANY, an Alaskan corporation, having its principal place of business at Juneau, Alaska, party of the second part, WITNESSETH:

That the said party of the first part for and in consideration of the sum of One Dollar (1.00) lawful money of the United States, and other valuable considerations to him in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, has remised, released, and forever quit-claimed and by these presents does remise, release and forever quit-claim unto the said party of the second part, its successors and assigns forever, all those certain tracts, pieces or parcels of land and that certain water right situate, lying and being in the Harris Mining District, Juneau Recording District, in the District of Alaska, more particularly described as follows, to-wit:

“A” All that certain lode mining claim, situate in the Harris Mining District in the District of Alaska, known as “THE TAKU QUEEN” the location notice of which is recorded in Book sixteen of Lodes, at page 104 of the Records of the Juneau Recording District in the office of the Recorder of said District at Juneau, Alaska, to which book, page and records reference is hereby made for a more particular and accurate description of said mining claim;

“B” Also all that certain lode mining claim situate in the Harris Mining District, in the District of Alaska, known as the “AUK CHIEF,” the location notice of which is recorded in Book Fifteen of Lodes at page 406 of the Records of the Juneau Recording District at the office of the Recorder of said District at Juneau, Alaska, to which book, page and records reference is hereby made for a more particular and accurate description of said mining claim; [2067]

“C” Also that fractional lode claim known as “THE FRACTIONAL CLAIM” lying between the United States Patented Claims, Blaine, Grand Review and Crown Point in the Harris Mining District, District of Alaska, the Location Notice of the said “Fractional Lode Claim” is recorded in the records in the office of the Recorder of the Juneau Recording District at Juneau, Alaska, in Book 19 of Lodes at page 439, to which book, page and records reference is hereby made for a more particular and accurate description of said mining claim.

“D” Also all that tract or parcel of non-mineral land known as “THE PARISH MILL SITE” which said tract was located for mill site purposes and contains five (5) acres of ground more or less, situate just northerly of and immediately adjoining U. S. Lots Nos. 150, 151, 152, and 153 on Gold Creek in the Harris Mining District, District of Alaska. The location notice of said “Parish Mill-Site Claim” is recorded in the Records in the office of the Recorder of the Juneau Recording District at Juneau, Alaska, in Book Ten of Placers page 158, to which book, page and records reference is hereby made for a more particular and accurate description of said mill-*ste* claim;

“E” Also that certain ditch and water right to ten thousand (10,000) miner’s inches of water flowing in Gold Creek, which ditch and water right is more particularly described in the Notice of Location thereof, which said Notice of Location is dated June 20, 1910, and recorded on October 25, 1910, in Volume 10 of Placer and Water Rights at page

186 thereof; of the records of the Juneau Recording District.

TOGETHER with all and singular the tenements, hereditments and appurtenances thereunto belonging or in any wise thereunto appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof and also the estate, right, title, interest, property, possession, claim and demand [2068] whatsoever as well in law as in equity of the said party of the first part of, in or to the said premises and rights and every part thereof, with the appurtenances, and all veins, lodes and ledges within the surface boundary lines of the said mining claims, and each of them, the dips, spurs and angles and the right to follow the same upon every dip and any and all minerals therein contained, and all improvements situate thereon; and to all rights under said location of ditch and water right.

BEING the same premises conveyed to H. W. Hoops by H. T. Tripp by quit claim deed dated April 4, 1912, and recorded on the same day in Book 23 of Deeds at Page 172 in the office of the District Recorder of the District of Alaska, at Juneau.

TO HAVE AND TO HOLD all and singular the said premises, together with the appurtenances unto the said party of the second part, its successors and assigns forever.

IN WITNESS WHEREOF the said party of the first part has hereunto set his hand and seal the day

and year first above written.

SIDNEY J. JENNINGS,

Signed, Sealed and Delivered in the presence of

RICHARD BENNETT, Jr.

THOMAS E. WING.

State of New York,

County of New York,—ss.

On this 28th day of May 1914, before me, a Notary Public duly commissioned in and for the County of New York, State of New York, came SIDNEY J. JENNINGS, to me personally known to me to be the person described in and who executed the foregoing quit-claim deed, and acknowledged to me that he executed the same for the uses and purposes therein set forth.

Seal

RICHARD BENNETT, Jr.

Notary Public, Kings Co., No. 13, Certificate filed

N. Y. Co. No. 9 N. Y. Co. Register No. 6013.

[2069]

Filed for record at 10 A. M. July 11, 1914, and recorded in Book 25 of Deeds, Page 4.

JOHN B. MARSHALL,

District Recorder. [2070]

United States of America,

Territory of Alaska,—ss.

I do hereby certify that the foregoing is a true and correct copy of the original records as found in Book 25 of Deeds at Page 4, and every part thereof.

Dated at Juneau, Alaska, this 28th day of July, 1914.

(Seal)

JOHN B. MARSHALL,
District Recorder.

Defts. Exhibit No. "W-1." Received in evidence Aug. 5, 1914. In Cause No. 1074-A. J. W. Bell, Clerk. By J. T. Reed, Deputy. [2071]

**Defendant's Exhibit "X-1"—Deed, May 21, 1914,
Alaska-Ebner Mines Co. to Ebner Gold Mining
Co.**

THIS INDENTURE, made the 21st day of May 1914 between ALASKA-EBNER GOLD MINES COMPANY, a Maine Corporation, party of the first part, and EBNER GOLD MINING COMPANY, an Alaska corporation, having its principal place of business at Juneau, Alaska, party of the second part, WITNESSETH:

That the said party of the first part for and in consideration of the sum of One Dollar (1.00) lawful money of the United States of America, and other valuable considerations to him in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, has remised, released, and forever quitclaimed and by these presents does remise, release and forever quit-claim unto the said party of the second part, its successors and assigns forever, all these certain tracts, pieces or parcels of land and that certain water right situate, lying and being in the Harris Mining District, Juneau Recording District, in the District of Alaska,

more particularly described as follows, to wit:

“A” All that certain lode mining claim, situate in the Harris Mining District, in the District of Alaska, known as “THE TAKU QUEEN” the location notice of which is recorded in Book Sixteen of Lodes, at page 104 of the Records of the Juneau Recording District in the office of the Recorder of said District, at Juneau, Alaska, to which book, page and records reference is hereby made for a more particular and accurate description of said mining claim.

“B” Also all that certain lode mining claim situate in the Harris Mining District, in the District of Alaska, known as the “AUK CHIEF” the location notice of which is recorded in Book Fifteen of Lodes, at page 406 of the Records of the Juneau Recording District at the office of the recorder of said district at Juneau, Alaska, to which book, page and records reference is hereby made for a more particular and accurate description of said mining claims; [2072]

“C” Also that fractional lode claim known as “THE FRACTIONAL CLAIM” lying between the United States Patented Claims, Blaine, Grand Review and Crown Point in the Harris Mining District, District of Alaska, the location notice of the said “Fractional lode claim” is recorded in the records in the office of the Recorder of the Juneau Recording District at Juneau, Alaska, in Book 19 of Lodes at page 439, to which book, page and records reference is hereby made for a more particular and accurate description of said mining claim;

“D” Also all that tract or parcel of non-mineral land known as “THE PARISH MILL SITE,” which said tract was located for mill site purposes and contains five (5) acres of ground more or less, situate just northerly of and immediately adjoining U. S. Lots Nos. 150, 151, 152 and 153 on Gold Creek in the Harris Mining District, District of Alaska. The location notice of said “Paris Mill-Site Claim” is recorded in the Records in the office of the Recorder of the Juneau Recording District at Juneau, Alaska, in Book Ten of Placers page 158, to which book, page and records reference is hereby made for a more particular and accurate description of said mill-site claim;

“E” Also that certain ditch and water right to ten thousand (10,000) miner’s inches of water flowing in Gold Creek, which ditch and water right is more particularly described in the notice of location thereof, which said notice of location is dated June 20, 1910, and recorded on October 25, 1910, in Volume 10 of Placer and Water Rights at page 186 thereof; of the records of the Juneau Recording District.

TOGETHER WITH all and singular the tene-
ments, hereditaments and appurtenances thereunto
belonging or in anywise thereunto appeartaining,
and the reversion and reversions, remainder and
remainders, rents, issues and profits thereof, and
also the estate, right, title, interest, property, pos-
session claim and demand [2073] whatsoever as
well in law as in equity of the said party of the first
part, of, in or to the said premises and rights and

every part thereof, with the appurtenances and all veins, lodes, and ledges within the surface boundary lines of the said mining claims and each of them, the dips, spurs and angles and the right to follow the same upon every dip and any and all minerals therein contained, and all improvements situate thereon; and to all rights under said location of ditch and water right.

BEING the same premises conveyed to H. W. Hoops by H.T. Tripp by quit-claim deed dated April 4, 1912, and recorded on the same day in Book 23 of Deeds at page 172 in the office of the District Recorder of the District of Alaska at Juneau.

TO HAVE AND TO HOLD all and singular the said premises, together with the appurtenances unto the said party of the second part, its successors and assigns forever.

IN WITNESS WHEREOF the said party of the first part has caused its corporate seal to be hereunto affixed and these presents to be executed by its officers, thereunto duly authorized, the day and year first above written.

ALASKA EBNER GOLD MINES COMPANY,

By FRANKLIN LYNCH,

Vice-President.

By ARTHUR W. MIDDLETON,

Secretary.

Alaska-Ebner M. Co.

Seal.

State of New York,
County of New York,—ss.

On this sixth day of June, 1914, before me, personally came Arthur W. Middleton to me known, who, being by me duly sworn did depose and say that he resides in the Bor. of Manhattan, County of New York, that he is the Secretary of ALASKA-EBNER GOLD MINES COMPANY the corporation described in and which executed the above instrument; that he knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of Board of Directors of said corporation [2074] and that he signed his name thereto by like order.

Notarial Seal. ALFRED HOUSTON,
Notary Public New York County No. 1675. Certificate filed in Kings County Reg. No. N. Y. Co. 5002 Kings Co. 6008. My commission expires March 30th, 1915.

Filed for record at 10 A. M. July 11, 1914, and recorded in Book 25 of Deeds, Page 2.

JOHN B. MARSHALL
District Recorder. [2075]

United States of America,
Territory of Alaska,—ss.

I do hereby certify that the foregoing is a true and correct copy of the original records as found in Book 25 of Deeds at Page 2 and every part thereof.

Dated at Juneau, Alaska, this 28th day of July, 1914.

JOHN B. MARSHALL

District Recorder.

Defts. Exhibit No. "X-1." Received in evidence Aug. 5, 1914. In Cause No. 1074-A. J. W. Bell, Clerk. By J. T. Reed, Deputy. [2076]

**Defendant's Exhibit "Y-1"—Location Notice of
Wm. M. Ebner.**

District of Alaska,
Juneau,—ss.

The within instrument was filed for record at 1:40 o'clock P. M. Dec. 7th, 1908 and duly recorded in Book 19 of Lodes on page 304 of the records of said District.

H. H. FOLSOM,
District Recorder.

LOCATION NOTICE

Know all men by these presents, that I the undersigned, of the town of Juneau, citizen of the United States, over the age of twenty one (21) claim by right of discovery and location, fifteen hundred (1500) feet linear and horizontal measurement on this the Cape Horn No. two lode along the vein thereof with all its dips, angles and variations and dips and spurs, together with three hundred (300) feet in width on each side of the middle of the lode at the surface, for working purposes, and all veins, lodes, ledges and deposits, and surface ground within the lines of said claim, running from this location no-

2282 *Alaska-Juneau Gold Mining Company vs.*

tice fifteen hundred (1500) feet in a north westerly direction, lines marked by stakes and monuments.

This claim shall be known as the Cape Horn No. 2. The location post is located near the north end of Juneau Dam, and this claim is bounded on the N E by the Cape Horn lode claim and is located in Lower Silver Bow Basin, about 1½ miles from Juneau, Alaska.

Discovered and located this 11th day of September, 1908.

WM. M. EBNER,
Locator.

Witness: H. T. TRIPP. [2077]

United States of America,
Territory of Alaska.—ss.

I do hereby certify that the foregoing is a true and correct copy of the original records as found in Book 19 of Lodes at Page 304 and every part thereof.

Dated at Juneau, Alaska, this 28th day of July, 1914.

[Seal]

JOHN B. MARSHALL,
District Recorder.

Defts. Exhibit No. "Y-1." Received in evidence, Aug. 5, 1914. In Cause No. 1074-A. J. W. Bell, Clerk. By J. T. Reed, Deputy. [2078]

Defendant's Exhibit "Z-1"—Quitclaim Mining Deed, Jan. 31, 1913, Wm. W. Ebner to H. W. Martin.

QUITCLAIM MINING DEED
THIS INDENTURE MADE this 31st day of

January in the Year of our Lord 1913, between William W. Ebner of Hollywood, California, party of the first part, and H. W. Martin, party of the second part of New York City, New York,—

WITNESSETH: That the said party of the first part, for and in consideration of the sum of One Dollars and other valuable considerations, in hand paid, by the said party of the second part, the receipt of which is hereby acknowledged, has, remised, released and forever quitclaimed, and by these presents does remise, release and forever quitclaim unto the said party of the second part, and to his heirs and assigns, all that certain mining claim known and described as the Cape Horn No. 2, situate and lying in the Harris Mining District and the Juneau Recording District, and the District of Alaska, and particularly described as follows, to-wit:

One (1) Mining Claim known as the Cape Horn No. 2, situate in lower Silver Bow Basin on Gold Creek, location notice posted on location post opposite Julapa Dam and *and* bounded on the northeast by the Cape Horn Mining Lode Claim, located on the 11th day of September, 1908; and for further description of said Cape Horn No. 2 Mining Claim reference is hereby made to Book 19 of Lodes, page 304 of the records of said Juneau Recording District.

Together with all and singular the tenements, hereditaments and appurtenances thereto belonging or in any wise appertaining, and also all the estate, right, title and interest in said property, possession, claim and demand whatsoever, in or to said premises and every part and parcel thereof with the appurtenances.

TO HAVE AND TO HOLD all and singular the said premises with the appurtenances unto the said party of the second part and to his heirs and assigns forever.

IN WITNESS WHEREOF, the said party of the first part has hereunto set his hand and seal the day and year first above written.

WILLIAM W. EBNER.

Signed, Sealed and Delivered in the presence of:
GILBERT H. BEESEMYER. [2079]

State of California,
County of Los Angeles,—ss.

On this 31st day of January, in the year nineteen hundred and thirteen, before me G. G. Greenwood, a Notary Public in and for said County, residing therein, duly commissioned and sworn, personally appeared WILLIAM M. EBNER, known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same. Witness my hand and official seal.

(Seal) G. G. GREENWOOD,
Notary Public in and for the County of Los Angeles,
State of California.

Filed for record at 2:00 P. M. February 17, 1913,
in Book 23, Deeds, on page 419.

G. C. WINN,
District Recorder. [2080]

United States of America,
Territory of Alaska,—ss.

I do hereby certify that the foregoing is a true and correct copy of the original records as found in Book 23 of Deeds at Page 419 and every part thereof.

Dated at Juneau, Alaska, this 28th day of July, 1914.

(Seal)

JOHN B. MARSHALL,
District Recorder.

Defts. Exhibit No. "Z-1." Received in evidence, Aug. 5, 1914. In Cause No. 1074-A. J. W. Bell, Clerk. By J. T. Reed, Deputy. [2081]

**Defendant's Exhibit "A-2"—Notice of Location of
Albert E. Graham.**

District of Alaska,
Juneau,—ss.

The within instrument was filed for record at 1 P. M. June 24, 1911, and duly recorded in Book 20 lodes on page 104 of the records of said district.

G. C. WINN,
District Recorder.

NOTICE IS HEREBY GIVEN that the undersigned, having complied with the mining act of congress, May 10, 1872, and the amendments and supplementary laws thereto, and the local customs, rules and regulations, has located fifteen hundred (1500) linear feet on the Mackay Lode Claim, situated about one and one half miles from Juneau up Gold Creek, in the Harris Mining District and Juneau Recording District, District of Alaska, described as follows: commencing at the S. W. Corner Post No. 5 of the Lotta Lode Claim, running in a S. E. direction 125 ft. along the S. W. side line of the Royal Lode Claim; thence in a S. W. direction 600 feet to a corner post; thence in a N. W. direction 1500

feet to a corner post; thence in a N. E. direction 600 feet to a post on the S. W. side line of the Lotta Lode Claim; thence in a S. E. direction along the S. W. side line of the Lotta Lode Claim 1375 feet to the place of beginning. Discoveries of mineral in place and the posting of the location notice was made about the center S. E. end line in the Boreen Pit and in a N. W. direction from said Boreen pit near the center of said claim on the banks of Gold Creek along the lode line of said claim.

Discovered and located this 12th day of June, 1911.

ALBERT E. GRAHAM,
Locator.

Witnesses:

ARTHUR RIENDEAU. [2082]

United States of America,
Territory of Alaska,—ss.

I do hereby certify that the foregoing is a true and correct copy of the original records as found in Book 20 of Lodes at page 104 and every part thereof.

Dated at Juneau, Alaska, this 28th day of July, 1914.

JOHN B. MARSHALL,
District Recorder.

Defts. Exhibit No. "A-2." Received in evidence.
Aug. 5, 1914. In Cause No. 1074-A. J. W. Bell,
Clerk. By J. T. Reed, Deputy. [2083]

**Defendant's Exhibit "C-2"—Deed, Feb. 26, 1914,
Wm. M. Ebner to Ebner Gold Mining Co.**

THIS INDENTURE, made the twenty-sixth (26) day of February, in the year of our Lord one thousand nine hundred and fourteen, between WM. M. EBNER, of Hollywood, California, the party of the first part, and EBNER GOLD MINING COMPANY, a corporation, the party of the second part, WITNESSETH: That the said party of the first part, for and in consideration of the sum of ONE (\$1) DOLLARS, lawful money of the United States of America, to him in hand paid by the said party of the second part and other good and valuable consideration the receipt whereof is hereby acknowledged, has granted, bargained, sold, remised, released and forever quit-claimed, and by these presents does grant, bargain, sell, remise, release and forever quit-claim unto the said party of the second part, and to its successors in interest and assigns, That certain lode mining claim situated about one and one-half ($1\frac{1}{2}$) miles up Gold Creek in the Harris Mining District in the Juneau Recording District, Territory of Alaska, named and known as the Mackay Lode Claim, said claim being described as follows:

Commencing at the Southwest Corner Post No. Five of the Lotta Lode Claim, running in a Southeasterly direction One Hundred and Twenty-five feet along the Southwest side line of the Royal Lode claim; thence in a Southwesterly direction six hundred feet to a corner post; thence in a Northwesterly

direction fifteen hundred feet to a corner post; thence in a Northeasterly direction six hundred feet to a post on the Southwest side line of the Lotta Lode claim; thence in a Southeasterly direction along the Southwesterly side line of the Lotta Claim thirteen hundred seventy-five feet to the place of beginning. This claim was discovered and located by Albert E. Graham, June 12th, 1911.

TOGETHER with all the dips, spurs and angles, and also all the metals, ores, gold and silver bearing *quart-rock* and earth therein; and all the rights, privileges and franchises thereto incident, appendant and appurtenant or therewith usually had and enjoyed; and, also, all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and the rents, issues and profits thereof; and, also, all the estate, right, title, interest, property, possession, claim and demand whatsoever, as well in law as in equity, of the said party of the first part, of, in or to the said premises, and every part and parcel thereof, with the appurtenances

TO HAVE AND TO HOLD, all and singular, the said premises, together with the appurtenances and privileges thereunto incident, unto the said party of the second part, its successors in interest and assigns forever.

IN WITNESS WHEREOF, the said party of the first part has hereunto set his hand and seal the

day and year first above written.

WM. M. EBNER. (Seal)

_____(Seal)

_____(Seal)

_____(Seal)

_____(Seal)

Signed, Sealed and Delivered in Presence of

JAS. A. HOULAHAN.

FRED A. MANLEY. [2084]

**Defendant's Exhibit "B-2"—Deed, July 5, 1911,
Albert E. Graham to Wm. M. Ebner.**

THIS INDENTURE, Made the Fifth day of July, in the year of our Lord one thousand nine hundred eleven, BETWEEN Albert E. Graham of Juneau, Alaska, the party of the first part, and Wm. M. Ebner of Los Angeles, California, the party of the second part, WITNESSETH: That the said party of the first part, for and in consideration of the sum of One Dollar, lawful money of the United States of America, to him in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, has granted, bargained, sold, remised, released and forever quit-claimed, and by these presents does grant, bargain, sell, remise, release and forever quit-claim unto the said party of the second part, and to his heirs and assigns, That certain lode mining claim situated about one and one-half miles up Gold Creek in the Harris Mining District in the Juneau Recording District, Territory of Alaska, named and known as the Mackay Lode

Claim, said claim being described as follows, to-wit: Commencing at the S. W. Corner post No. 5 of the Lotta Lode claim, running in a S. E. direction 125 feet along the S. W. side line of the Royal Lode claim thence in S. W. direction six hundred feet to a corner post, thence in a N. W. direction fifteen hundred feet to a corner post, thence in a N. E. direction six hundred feet to a post on the S. W. side line of the Lotta Lode claim, thence in a S. E. direction along the S. W. side line of the Lotta Lode Claim thirteen hundred seventy-five feet to the place of beginning. This claim was discovered and located by Albert E. Graham, June 12th, 1911.

TOGETHER with all the dips, spurs and angles, and also all the metals, ores, gold and silver bearing quartz, rock and earth therein; and all the rights, privileges and franchises thereto incident, appendant and appurtenant or therewith usually had and enjoyed; and, also, all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and the rents, issues and profits thereof; and, also, all the estate, right, title, interest, property, possession, claim and demand whatsoever, as well in law as in equity, of the said *part* of the first part, of, in or to the said premises, and every part and parcel thereof, with the appurtenances,

TO HAVE AND TO HOLD, all and singular, the said premises, together with the appurtenances and privileges thereunto incident, unto the said party of the second part, his heirs and assigns forever.

IN WITNESS WHEREOF, the said party of the first part has hereunto set his hand and seal the day and year first above written.

ALBERT E. GRAHAM. (Seal)

_____(Seal)

_____(Seal)

_____(Seal)

_____(Seal)

Signed, Sealed and Delivered in Presence of

Z. K. CHENEY.

ANGUS MACKAY. [2085]

Defendant's Exhibit "D-2"—Notice of Wm. M. Ebner of Location of Quartz Claim.

NOTICE OF LOCATION OF QUARTZ CLAIM

NOTICE IS HEREBY GIVEN that the undersigned, having complied with the mining act of Congress approved May 10th, 1872, and the Amendments and supplementary laws thereto, and local customs, rules, and regulations, have located fifteen hundred (1500) linear feet on the Parish No. 1 lode claim, situated about two (2) miles from Juneau, up Gold Creek, in Snow Slide Gulch, in the Juneau Recording District, of Alaska, and described as follows, viz:

Commencing at the notice of Location posted on a post in snow slide gulch about 750 feet in a southerly direction from the south west corner of the Lotta Lode claim, and running one thousand (1000) linear feet in a south easterly direction, and five hundred (500) linear feet in a north westerly direction, to-

gether with three hundred (300) feet in a north westerly direction together with three hundred (300) feet in width of surface ground on each side of the center of the lode line for working purposes.

Side lines are described as follows, viz:

Commencing at the north east corner, marked by a post, situated about one hundred and twenty five (125) feet in a southeasterly direction from the south west corner of the said Lotta Lode claim and on the south west side line of the Royal lode claim, thence along the south west side line of the said line of the said Royal lode claim its entire length and continued in the same direction about six hundred and fifty (650) feet to a monument, thence in a southwesterly direction six hundred (600) feet to a monument, thence in a northwesterly direction fifteen hundred feet (1500) to a post, and thence in a northeasterly direction six hundred (600) feet to a post, the point of beginning.

Discovered and location this 24th day of October, A. D. 1899.

WM. M. EBNER,

Locator.

Filed for record at 3 p. m. Dec. 23, 1899, and recorded Bk 15 Lodes, p 156.

NORMAN E. MALCOLM,

Dist. Rec. [2086]

United States of America,

Territory of Alaska,—ss.

I hereby certify that the foregoing is a true and correct copy of the records of the original records

as appears in Book 15 Lodes at Pg 156, and of the whole thereof.

Dated at Juneau, Alaska, July 29th, 1914.

(Seal)

JOHN B. MARSHALL,

United States Commissions Ex-officio District Recorder

Defts. Exhibit No. "D-2." Received in evidence Aug. 5, 1914. In Cause No. 1074-A. J. W. Bell, Clerk. By J. T. Reed, Deputy. [2087]

**Defendant's Exhibit "E-2"—Notice of Wm. M.
Ebner of Location of Quartz Claim.**

NOTICE OF LOCATION OF QUARTZ CLAIM.

NOTICE IS HEREBY GIVEN THAT THE UNDERSIGNED, having complied with the Mining Act of Congress approved May 10th, 1872 and the amendments and supplementary laws thereto rules and the local customs, ~~laws~~ and regulations, has located fifteen hundred (1500) linear feet on the Parrish No. 2 lode claim, situated about two (2) miles from the town of Juneau, on Gold Creek, in the Juneau Recording District, the Harris Mining District, and the District of Alaska, and described as follows, viz:

Commencing at the notice of location posted on a post in Gold Creek Canyon about six hundred (600) feet in a westerly direction from the southwest corner of the Lotta lode claim, and running in a southeasterly direction parallel to the said Lotta and the Royal lode claim, and about three hundred (300) feet from the same, to the end of lode claim Parish

No. 1, being about seven hundred (700) linear feet, and from the location post, in a north westerly direction parallel with the south west line of the said Lotta Lode Claim, eight hundred (800) linear feet, together with three hundred (300) feet in width of surface ground on each side of the center of the lode line for working purposes, side lines are described as follows, viz:

Commencing at the south west corner marked by a post situated about one hundred and twenty-five (125) feet in a southeasterly direction from the south west corner of the Lotta Lode claim and on the south west side line of the Royal Lode claim, thence in a south westerly direction six hundred (600) feet to a post, thence in a northwesterly direction parallel with the south [2088] west side line of said Lotta lode claim fifteen hundred (1500) feet to a post, thence in a north easterly direction six hundred (600) feet to the south west side line of the said Lotta lode claim, thence south easterly along the south west side line of the said Lotta lode claim to the south west corner of said lode claim and one hundred and twenty-five (125) feet beyond in the same direction to a post, the point of beginning.

Discovered and located this 25th day of October, A. D. 1899.

WM. M. EBNER,
Locator.

Filed for record at 3 P. M. Dec. 21, 1899 and recorded in Book 15 of Lodes, page 157.

NORMAN E. MALCOLM,
District Recorder. [2089]

United States of America,
Territory of Alaska,—ss.

I hereby certify that the foregoing is a true and correct copy of the records of the original records as appears in Book 15 Lodes of Pg. 157, and of the whole thereof.

Dated at Juneau, Alaska, July 29th, 1914.

JOHN B. MARSHALL,

United States Commissioner Ex-officio District Recorder.

Defts. Exhibit No. "E-2." Received in evidence Aug. 5, 1914. In Cause No. 1074-A. J. W. Bell, Clerk. By J. T. Reed, Deputy. [2090]

**Defendant's Exhibit "F-2"—Deed, Mar. 29, 1906,
Wm. M. Ebner to Ebner Gold Mining Co.**

THIS INDENTURE, Made the twenty ninth day of March, in the year of our Lord one thousand nine hundred and six,

BETWEEN WILLIAM M. EBNER OF JUNEAU, ALASKA, the party of the first part and EBNER GOLD MINING COMPANY, a corporation duly organized and doing business within the District of Alaska, the party of the second part;

WITNESSETH: that the said party of the first part, for and in consideration of the sum of Five Dollars (and other good and valuable considerations) of the United States of America, to him in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, hath granted, bar-

gained, sold, remised, released and forever quit-claimed, and by these presents doth grant, bargain, sell, remise, release and forever quitclaim unto the said party of the second part, and to its successors and assigns, all of the following described real estate, situate, lying and being about two miles from Juneau, Alaska, up GOLD CREEK, viz:

THE PARISH NO. 1 LODGE MINING CLAIM, being 1500 feet in length by 600 feet in width, and the PARISH NO. 2 LODGE MINING CLAIM being 1500 feet in length by 600 feet in width, the notices of location of which claims are of record in Book 15 of lodes, on pages 156 and 157 respectively, of the records of the Juneau Recording District, District of Alaska.

ALSO those certain millsites containing five acres each, more or less, of non-mineral ground, situate in Harris Mining District, District of Alaska, and described as follows, to wit:

THE LOTTA MILLSITE, situate just north west of and immediately adjoining United States lots Nos. 161 and 162, on Gold Creek, the location notice of said mill site is recorded in Book 7 of Placers on page 286 of the records of the Juneau Recording District, Alaska; also the KEYSTONE MILL SITE, situate just north west of and immediately adjoining United States Lots No. 159 and 160 the location notice of said mill site being recorded in book 7 of [2091] Placers on page 286 of the records of the Juneau Recording District, Alaska.

TO HAVE AND TO HOLD, all and singular, the said premises, together with the appurtenances and

privileges thereunto incident, unto the said party of the second part its successors and assigns forever. This deed is made to cover omission of seal from deed between same parties of date April 20th, 1904, recorded in Book 20 of Deeds, page 10.

IN WITNESS WHEREOF, the said party of the first part has hereunto set his hand and seal the day and year first above written.

WM. M. EBNER. (Seal)

Signed, Sealed and Delivered in presence of

GEO. C. HEARD,

NEWARK L. BURTON.

United States of America,

District of Alaska,—ss.

THIS IS TO CERTIFY, That on this 29th day of March, A. D. 1906, before me, the undersigned, a Notary Public in and for the District of Alaska, duly commissioned and sworn, personally came WILLIAM M. EBNER to me known to be the individual described in and who executed the within instrument, and acknowledged to me that he signed and sealed the same as his free and voluntary act and deed, for the uses and purposes therein mentioned.

WITNESS my hand and official seal the day and year in this certificate first above written.

(Seal)

NEWARK L. BURTON,

Notary Public in and for the District of Alaska, residing at Juneau.

Filed for record at 3:10 o'clock p. m. March 30, 1906.

H. H. FOLSOM,

Recorder. [2092]

United States of America

Territory of Alaska,—ss.

I hereby certify that the foregoing is a true and correct copy of the records of the original records
Pg.

as appears in Book 21 Deeds of 384, and of the whole thereof.

Dated at Juneau, Alaska, July 29th, 1914.

[Seal]

JOHN B. MARSHALL

United States Commissioner ex-officio District Recorder.

Defts. Exhibit No. "F-2." Received in evidence Aug. 5, 1914. In Cause No. 1074-A. J. W. Bell, Clerk. By J. T. Reed, Deputy. [2093]

**Defendant's Exhibit "G-2"—Deed, Mar. 10, 1909,
Alaska-Juneau Gold Mining Co. to Ebner Gold
Mining Co.**

THIS INDENTURE, made this 10th day of March, in the year of our Lord one thousand nine hundred and nine.

BETWEEN the Alaska Juneau Gold Mining Company, a corporation, organized and existing under and by virtue of the laws of the State of West Virginia, and doing business in the District of Alaska, the party of the first part, and the Ebner Gold Mining Company, a corporation organized and existing under and by virtue of the laws of the District of Alaska, the party of the second part,

WITNESSETH, That, whereas, by a certain con-

tract and agreement made and entered into by and between the parties herein, of date 25th day of April, A. D. 1905, wherein and whereby the party of the first part herein agreed to convey all that portion of the Colorado lode mining claim in conflict with the Parish lode mining claim (which conflict is herein-after fully described) upon receiving United States patent to said Colorado lode mining claim, to the party of the second part herein, in consideration of said party of the second part herein dismissing and withdrawing a certain adverse suit which it had filed against the application of the party of the first part herein for a patent to the Colorado lode mining claim, and in which adverse, so filed as aforesaid, the said Ebner Gold Mining Company, the party of the second part herein, claimed all that portion or parcel of said Colorado lode mining claim in conflict with the said Parish lode mining claim, the description of which conflict is the property in this deed conveyed to the said Ebner Gold Mining Company; and

WHEREAS the party of the first part herein has now obtained a patent for said Colorado lode mining claim, including within its exterior boundary lines the conflict herein mentioned with the said Parish lode mining claim. [2094]

NOW THEREFORE, for and in consideration of the premises and the sum of \$1.00 to the party of the second part, receipt whereof is hereby acknowledged, the party of the first part hath granted, bargained, sold and conveyed, and by these presents doth grant, bargain, sell and convey unto the said party of the second part, its successors and assigns: All the fol-

lowing described real estate situate in the District of Alaska, to-wit:

Commencing at corner number 6 Colorado lode, Survey No. 641, whence corner number 5 Royal lode bears north $33^{\circ} 45'$ west 567.64 feet distant; thence south $33^{\circ} 43'$ west 522.36 feet along lines 6-1 Colorado lode to corner number 1 Colorado lode; thence south $56^{\circ} 15'$ west, 86.30 feet along lines 1-2 Colorado lode to corner number 2; thence south $41^{\circ} 15'$ east, 34.96 feet along lines 2-3 Colorado lode to corner number 3; thence south $84^{\circ} \text{ —}'$ west, 585.64 feet along lines 3-4 Colorado lode to point of intersection with southwest side line of Parish No. 1 lode; thence along southwest side line of Parish No. 1 lode; north $33^{\circ} 45'$ west, 600 feet to point of intersection with northwest side line of Colorado lode; thence along northwest side line of Colorado lode lines 5-6, north 84° east 678 feet to corner No. 6 Colorado lode and place of beginning, containing an area of eight and six-hundredths (8.06) acres.

All of ~~the~~ said described property being in the Harris Mining District, District of Alaska; Together with all and singular the mines, minerals, lodes and veins (except as hereinafter reserved) within the lines of said above described conflict and their dips and spurs and all improvements. [2095]

RESERVING HOWEVER to the said party of the first part a right to drive, occupy and use a tunnel through the ground so in conflict for the purpose of reaching and developing the mining properties belonging to said party of the first part.

ALSO RESERVING to the said party of the first part all those underground parts of veins underlying the surface of the tract hereby conveyed, the tops or apexes of which are outside of said conveyed premises, and within the boundaries of lode mining claims now owned or possessed by said party of the first part.

IN WITNESS WHEREOF, the said party of the first part hath hereunto caused its corporate name and seal to be affixed, the 10th day of March. 1909.

ALASKA JUNEAU GOLD MINING CO.

By F. N. BRADLEY,
President.

(Corporate Seal)

Attest: JOSEPH H. MOOSER,
Secretary.

State of California

City and County of San Francisco,—ss.

THIS IS TO CERTIFY that on this 10th day of March, 1909, before me, the undersigned, a notary public in and for the said city and county duly commissioned and sworn, that F. N. Bradley, president, and Joseph H. Mooser, secretary, of the within named corporation who are personally known to me to be such President and Secretary, respectively, of said corporation, personally appeared before me this day, and acknowledged the within and foregoing warranty deed to be their free and voluntary act and deed, and the free and voluntary act and deed of said corporation. [2096]

WITNESS my hand and official seal this 10th day of March, A. D. 1909.

(Seal) JOHN R. TYRRELL,
Notary Public in and for the City and County of San Francisco, State of California.

Filed for record at 3 P. M. March 20th, 1909.

H. H. FOLSOM,
Recorder. [2097]

United States of America,
Territory of Alaska,—ss.

I hereby certify that the foregoing is a true and correct copy of the records of the original records as
at
appears in Book 22 Deeds of Pg. 182, and of the whole thereof.

Dated at Juneau, Alaska, July 29th, 1914.

JOHN B. MARSHALL,
United States Commissioner ex-officio District Recorder.

Defts. Exhibit No. "G-2." Received in evidence Aug. 5, 1914. In Cause No. 1074-A. J. W. Bell, Clerk. By J. T. Reed, Deputy. [2098]

**Defendant's Exhibit "H-2"—Notice of Location of
Ebner Gold Mining Company of Placer Claim.**

NOTICE OF LOCATION OF PLACER CLAIM.

District of Alaska,
Juneau Recording District,—ss.

The within instrument was filed for record at 12:30 o'clock P. M. January 17" 1896 and duly recorded in

Book 5 Placers on page 83 of the records of said District.

H. W. MELLEN,
District Recorder.
By M. Eversole,
Deputy.

FRACTION PLACER CLAIM

Notice is hereby given to all whom it may concern, that Ebner Gold Mining Company, a corporation organized under and by virtue of the laws of the State of Oregon, having its principal place of business at Juneau, Alaska, has this day located under the revised statutes of the United States, Chapter 6, Title 32, the following described Placer Mining ground, to-wit:—

Description of Fraction Placer Claim.

Beginning at a stake No. 1 on which this notice of Location is posted; being identical with Post No. 1 U. S. Sur. No. 89.

Thence—

1st Course. S $56^{\circ} 15'$ W along the N. West end line U. S. Sur. No. 89 31 $\frac{4}{10}$ feet to S. E. side line U. S. Sur. No. 76 B; thence

2nd Course. N. $22^{\circ} 30'$ E along the side S. E. line U. S. Sur. No 76B 178 $\frac{8}{10}$ feet to Post No. 5 U. S. Sur. No. 76 B; Thence—

3rd. Course. N. $25^{\circ} 45'$ W. along the E. side line U S Sur. No. 76B 171 $\frac{2}{10}$ feet to Post No. 4 U. S. Sur. No. 76B; Thence—

4th Course. S. $87^{\circ} 45'$ E. along the S. W. side lines U. S. Sur. No. 76A, 219 feet to Post No. 2 U. S. Sur. No. 76A; Thence—

2304 *Alaska-Juneau Gold Mining Company vs.*

5th Course. N. $40^{\circ} 00'$ E. along the S. E. end line U. S. Sur. No. 76A, 94 feet U. S. Min. Mon. No. 1 bears S. $65^{\circ} 37'$ E. 6530-6/10 feet distant—600 feet. Post No. 6 U. S. Sur. No. 76A; Thence—

6th Course. S. $80^{\circ} 36'$ E. 213 4/10 feet. Post No. 2 U. S. Sur. No. 91; Thence—

7th Course. S. $56^{\circ} 15'$ W. along the N. W. end line U. S. Sur. No. 91—600 feet Post No. 6 U. S. Sur. No. 91; Thence

8th Course. S. $33^{\circ} 45'$ along the S. W. side line of U. S. Sur. [2099] No. 91; thence—

9th Course. S. $36^{\circ} 15'$ W., along the N. W. end line U. S. Surs, No's 89 and 90, 450 feet to the place of beginning. Containing an area of Three (3) acres, more or less. Courses expressed from the true Meridian. Magnetic Variation $30^{\circ} 00'$ East.

This claim shall be known as the Fraction Placer Claim, and is a re-location of the Outlet Placer Claim.

This claim is bounded on the North West by the Webster Mill Site and the Humboldt Lode Claim; on the Northeast by the Humboldt, Bluff and Golden Fleece Lode Claims; on the South East by the Golden Fleece, Crown Point and Keystone Lode Mining Claims.

Situate on Gold Creek just above the old Webster Dam, about two miles Northeasterly of the Town of

Juneau, in Harris Mining District in the District of Alaska.

Attest:

RUFUS LOWE.

HENRY JONES.

EBNER GOLD MINING CO.

By C. W. YOUNG,
Vice-President.

B. M. BEHREND, Sec.,
Locators.

(Corporate Seal)

Dated on the ground this 12th day of January, 1896. [2100]

Territory of Alaska

Juneau Precinct,—ss.

I hereby certify that the foregoing is a true and correct copy of the original records as found in Book five of Placers, on Page 83, and every part thereof.

Dated Juneau, Alaska, Aug. 4th, 1914.

JOHN B. MARSHALL

District Recorder.

Defts. Exhibit "H-2." Received in evidence Aug. 5, 1914. In Cause No. 1074-A. J. W. Bell, Clerk. By J. T. Reed, Deputy. [2101—2102]

Defendant's Exhibit "I-2"—Oral Opinion.

In the District Court for the District of Alaska, Division No. One, at Juneau.

No. 823-A.

ALASKA-JUNEAU GOLD MINING COMPANY,
a Corporation,
Plaintiff,

vs.

CALIFORNIA-NEVADA COPPER COMPANY, a
Corporation, et al.,
Defendants.

No. 803-A.

EBNER GOLD MINING COMPANY, a Corporation,
Plaintiff,

vs.

ALASKA-JUNEAU GOLD MINING COMPANY,
a Corporation, et al.,
Defendants.

No. 804-A.

H. T. TRIPP,
Plaintiff,

vs.

ALASKA JUNEAU GOLD MINING COMPANY,
a Corporation, et al.,
Defendants.

Oral Opinion.

HONORABLE THOMAS R. LYONS, Judge.

Messrs. HELLENTHAL and HELLENTHAL
and SHACKLEFORD & BAYLESS, for
ALASKA JUNEAU GOLD MINING
COMPANY et al. [2103]

Messrs. WINN & BURTON, for EBNER GOLD
MINING COMPANY, H. T. TRIPP, CALI-
FORNIA NEVADA COPPER COM-
PANY et al.

The COURT (Orally.)—This is an action restraining the defendants from damaging the flume which plaintiffs assert they have constructed recently on premises belonging to them, which they claim under the Oregon location.

The action was instituted some time ago and an order to show cause was issued, returnable on the 15th of this month. In the meantime a restraining order was granted restraining the defendants from interfering with the flume pending the hearing. In response to the order to show cause, the defendants claim that the plaintiffs are trespassers; that the ground where the appropriation was attempted to be made are the premises of the defendant company or companies; and based on such the defendants also ask for a restraining order against the plaintiffs, pending this hearing, restraining the plaintiffs from doing any work on the disputed premises, conducting the water through the flume or doing anything else in relation to that flume situated on the dis-

puted premises. A restraining order was granted against the plaintiffs pending the hearing.

There is also a restraining order, pending the hearing, granted against the defendants from crossing or at least from working upon a certain claim located on the other side of the ravine, over which the defendants were constructing a flume, but I think it is very apparent that that restraining order should be dissolved at this time under plaintiffs' own showing. The defendants initiated their right on the other side of the stream prior to the location of the claim—I have forgotten the name of the locator who located it for the plaintiff company—that is a very simple matter to dispose of and the restraining order should be dissolved.

The more serious question is on the southerly or easterly side of the creek, where the plaintiffs are constructing their flume. It is agreed, or at least not objected to by counsel, that all of the evidence submitted in cause No. 802-A, wherein [2104] one of the defendants was plaintiff, and this plaintiff was defendant, might be submitted and considered by the Court in this hearing.

Counsel for the plaintiffs insist that they have a right to a temporary injunction pending the determination of the title of the ground in controversy, and base that claim on two considerations: First, that the plaintiffs are the owners of the Oregon claim. Second, that regardless of the ownership of the Oregon claim since it is admitted that the ground is not patented, that the plaintiffs have a right of

way over all unpatented ground to construct ditches, flumes or canals for the purpose of conveying any water to where it can be used for beneficial purposes.

The defendants resist that claim for an injunction on the part of the plaintiffs on the ground that they own what is claimed to be the Oregon claim, and it is covered by the Parish No. 1 and No. 2 and the Auk Queen claim and other claims in which H. T. Tripp is trustee for the successors in interest of the Ebner Gold Mining Company, and the defendants insist that their evidence concerning the ownership of the property is so superior to that offered on the part of the plaintiffs, that the Court should be satisfied as to the ownership of the property, and therefore restrain the plaintiffs from going upon the property pending the suit.

The first consideration that moves a Court of Equity to grant any preliminary injunctive relief is based upon the question of possible irreparable damage. That is the law, always has been the law and always should be the law. It is also a well settled principle of law that whenever there is any question as to the title of the property that a Court of Equity will not attempt to restrain either one party or the other unless there is possible or probable irreparable damage threatened, or unless one party is interfering with the work or operations of the other on the disputed ground. [2105]

There certainly is no showing in this case that the defendants can be injured by the construction and maintenance of the ditch so long as they are permitted to go anywhere else on the ground and oper-

ate pending the determination of the title to this property. If the defendants are right they can't be injured, because, if they are right, the plaintiffs are on there unlawfully with their flume, and there can't be any question raised in any Court but what the defendants in this case have been diligent from the outset in asserting their claim to the property and in informing the plaintiffs that they were going on there wrongfully; so that, if the plaintiffs in the end cannot sustain the position which counsel takes, that is: that they have a right to go over the property regardless of ownership, and if they can't further sustain the proposition of convincing the jury that they own the title to the property they are on, then they are on there at their peril, and I can see no reason why the defendants at this time should in any way be injured, because, as I say, there is no reason why ejectment won't lie to eject the plaintiffs from the premises, unless, as counsel contends, they have an absolute right to go on there regardless of ownership.

So, if they fail to establish their ownership to the property and if they also fail to establish, under the United States Statute which counsel has referred to, that they have a right to go on the premises regardless of the ownership and construct a flume; unless they establish one of those two propositions on the trial, in my judgment they are clearly on there at their peril if the defendants own the property; so, I see no reason for this Court interfering by injunction to prevent the plaintiffs from operating

their flume pending the determination of the title to this property.

Now, it has been said by the defendants' counsel and with a good deal of force and with a good deal of reason, that certain [2106] proof submitted is to the effect that the defendant, the Ebner Gold Mining Company, or its predecessors or successors, owned the property, but, conceding that to be true, conceding that the preponderance of the evidence is decidedly with the defendants, on that proposition, can any counsel seriously contend that the Court should determine the title to property on affidavits? I have carefully considered that phase of the case and have carefully investigated the authorities and have been unable to find one wherein such a course was pursued. So that it seems to me that while the merits of this case have been discussed, and discussed with ability and learning, the matter before this Court at this time has been scarcely touched upon, except by a few remarks by the counsel for the plaintiffs; and, that is: Will anybody be irreparably damaged by the injunction—the temporary injunction in favor of the plaintiffs against the defendants from damaging their flume? Will anybody be seriously and irreparably damaged by such an injunction? There is not a syllable of testimony to indicate they will.

I don't care to pass on questions that are of such importance as the question raised by the plaintiffs, wherein they contend that they have a right to go over an unpatented mining claim regardless of whether the claim was located prior to the initiation of the water right. If that is the law, I will confess

that it is not the law as I have understood it heretofore. My own opinion of the law has always been, I will say for the benefit of counsel, but if I find I am wrong I can take the view of the law of which I shall be convinced that the law is hereafter, but I have always felt that the law is: If the water right is initiated first, then the man has the right to construct his ditches to use that water over any unpatented claims, and if, in going over those claims, he damages them in any way that he is liable for damages; but that he cannot be restrained because he has a right under the Statute to construct his canals or ditches. [2107]

But I can't admit that this time the construction of the Statute which counsel for the plaintiffs seeks to give it, that is: Where the statute says—Whenever, by right of prior appropriation, rights to the use of the water have vested. When do rights to the water vest? They vest when the first legal action is done toward the appropriation of the water. If, under the law, the projection of that act has been carried on reasonably until its consummation and the actual appropriation to its beneficial use, it relates back to the date of the first legal act, but when the statute says: "By prior appropriation," it has always seemed to me, I must confess, that that meant just exactly what it said, and that if it was intended to give the locator of the water right any preference over the mining claimant, he must show that he had the water right before the other man located his placer claim. But I merely suggest these matters, because I can readily see that this will become a very

serious question on the trial of this case, and in my view of the case most serious to the plaintiffs; but I don't want to pass on any question at the preliminary hearing that is not necessary to the settlement of the particular issues that are before the Court, and, for that reason, a restraining order will issue in this case restraining the defendants from interfering with the flume pending the hearing of this case. The order will be so drawn as to permit the defendants to go anywhere else upon the ground and carry on their work so long as they do not interfere with the flume. If it is necessary to cross the flume or roll any debris or rocks upon the flume, that they will have a right to go upon the flume and build such structures as will protect the flume.

Passing now to the question of the petition for survey on the part of the plaintiffs. It is said by the defendants that the plaintiffs have had heretofore ample opportunity to make a survey. That may be true. This Court is not very well informed [2108] whether that is true or not, but be that as it may, the Court and Jury who will have to try this case, want the truth. It was stated by one surveyor on one of the preliminary hearings that the only way for him to be absolutely certain as to whether or not those claims, the Lotta, the Colorado and the other claims, were now in the same place or were correctly located on the ground is to ascertain by following the ties; to find out where these claims were tied to; what monument they were tied to, and then he could determine whether or not these claims are located on the ground in accordance with the patent. Counsel

for the defendants says, however, that even if there should be an error so long as the defendants show that it is in accordance with the original stakes, that they own the property. That may be true, but that is a question to be hereafter determined as to where the original stakes were; and going over the surveys of the mining claims on the part of the surveyors in my judgment can injure nobody; and the Court ought to grant such requests freely when it may in any way contribute toward the arrival at the truth of the controversy.

I might state that so far as the proof in this case is concerned, the only way to prove a mining claim is to prove what the law requires, not by a mere conclusion of a man's putting in an affidavit that such and such is a mining claim; that is no proof; that is his conclusion. If he takes the witness stand and says that a man went out and bounded his claim, so that it can be readily traced, and made a discovery of gold or rock in place, he has proved *prima facie* a mining claim, but not until then; and for that reason it must be apparent to counsel that it would clearly be an invasion of the province of the jury for the Court at this time to say who owns that mining ground. Of course, it is true the Court wouldn't necessarily have to show that in order to grant a restraining order against the plaintiffs, and [2109] the Court would immediately grant a restraining order if there was any possible chance for irreparable damage to the defendants; but, as before stated, there isn't any proof, and I don't think it is seriously contended on the part of the defendants that there

will be any or can be any irreparable damage if their position with respect to the law is correct; and if their position is not correct, and the counsel for the plaintiffs' view is correct, then the plaintiffs have a right there in any event.

Given orally in open Court this 18th day of November, 1910, by the Honorable Thomas R. Lyons, Judge.

CERTIFICATE.

I, R. E. Robertson, Official Court Stenographer for the District Court for the First Division of Alaska, hereby certify that the foregoing and hereto annexed seven pages of typewritten matter constitute a true and complete copy of the opinion in the above entitled action, delivered by the Honorable Thomas R. Lyons, Judge, as taken by me in shorthand and as extended by me from said shorthand notes.

Dated at Juneau, Alaska, this 29 day of May, 1911.

R. E. ROBERTSON,
Official Court Stenographer. [2110]

In the District Court for the District of Alaska, Division No. One.

No. 803-A.

EBNER GOLD MINING COMPANY, a Corporation,
tion,

Plaintiff,

vs.

ALASKA JUNEAU GOLD MINING COMPANY,
a Corporation, ALASKA TREADWELL
GOLD MINING COMPANY, a Corporation,
L. D. MULLIGAN, O. M. HARRY, and R.
G. DATSON,

Defendants.

Oral Opinion.

Mr. N. L. BURTON, for Plaintiff,

Messrs. J. and S. HELLENTHAL and W| S.

BAYLESS, for Defendants.

There isn't any question but what a court of equity will always lend its assistance towards the preservation of property during the trial of an action where the property, or the title of the property, is in controversy, that is: If in a suit in equity, or in an action of law, injunctive relief is asked pending the trial of the action to prevent the destruction of the property, or to prevent the extraction of its values, there isn't any doubt but what a court of equity should, and will, issue a restraining order to prevent a diminution of the value of the property pending the litigation.

What are the facts in this case? Plaintiff claims certain water rights on Gold Creek, also claims certain mining claims, patented and unpatented. He claims that the defendants have gone upon one of the patented claims and began to divert the water of Gold Creek. There is no evidence, not even an insinuation, that there is any of the water being sought to be diverted over which the plaintiff has any prior right, or to the use of [2111] which the plaintiff has any prior right.

There isn't any question but what water may be diverted for mining purposes. There isn't any question under the late ruling of the Appellate Court but what the riparian owner will not be heard to object to the diversion of water, unless he himself is putting the water to some beneficial use, and he then must show that the water that is being taken is diminishing the water that he had prior to that time been actually using. In other words, the law of appropriation of water rights obtains in this jurisdiction.

Now what is the situation with reference to trespass or the alleged trespass? It is true the plaintiff claims and offers evidence to the effect that the attempted diversion is on his patented claim and, my own judgment is that, if that were uncontradicted, the Court should restrain the trespass, but is that the case here? Counsel says with a good deal of energy that the defendants merely literally denied the ownership of the plaintiff.

Now, let's see what the proof is. The record shows that it is not on the Lotta claim. The records

may be wrong, but surely no court of equity will so hold in a preliminary hearing and put a man who is out of possession in possession and dispossess the one in possession. These stakes on the Lotta claim may be the original boundary corners of that claim and, if that is true, the attempted diversion is on the Lotta claim, but why should the Court assume that these monuments are more apt to be correctly located than the monuments of the Idaho although they may have been there for many years. It is very easy for a man in going over these claims to see a stake to-day and see it again in three years from now and think it is in the same place. But be that as it may, there is a method by which it can be determined positively whether or not this diversion is on [2112] patented ground or otherwise. That hasn't been done by either party.

Counsel has asked me if I have any doubt as to where the title lies. I certainly have very substantial doubt as to where the title is, and I think that anybody could not have heard the testimony but what he would think the same way and would have a substantial doubt as to whether the attempted diversion, or the alleged trespass, is within the boundaries of a patented claim.

Now, as to the unpatented claim, as a matter of fact there has been no proof of title of any claim, of any mining claim offered. There may have been a sort of tacit admission. The only way to prove a mining claim is to follow the law and show that its boundaries have been all marked, that they can be readily traced, that its corners have been marked

and a discovery made. It is true there are affidavits here that the assessment work has been done and certain monuments located. There isn't a syllable of evidence as to whether any of these claims were legally located mining claims, and for a court of equity on evidence in the form of *ex parte* affidavits, without seeing these claims, to say that one claim is a valid claim under such testimony and that the other is a void claim, and grant a restraining order against a trespass where there has been no proof that the injury is irremedial or could not be compensated in damages, or that the damages would be of any particular consequence, is going farther than any court should go in a hearing for a preliminary restraining order.

So, it seems to me in a case of this kind where there is any substantial doubt as to the title of the property, and where there is no doubt the defendants are taking infinitely more chance—they are doing this at their peril,—they must believe they have title,—as I say, they are the ones that are taking the chance, and when a court can see no reason why there [2113] would be any resulting irreparable damages, I think that a court ought not to hesitate a minute in refusing an injunction.

Courts should not only follow the law, but they should take a business view of the testimony and a business view of the transactions of men in interpreting their rights, and in interpreting their motives and intentions and, as I say, it seems to me that the defendants are assuming more peril in constructing a work of this kind on disputed ground

than the plaintiffs are, if they don't succeed in showing their title at the final hearing.

So far as any water rights the plaintiff may have upon Gold Creek, there is no evidence that this diversion will in any way conflict with those rights; in fact, there couldn't be any evidence of that sort, because the man who is down the stream is the man that must be heard to cry for the water and, when he does so, the Court will then determine what were the rights of the plaintiff in this court and the total amount of water he was entitled to at the date of the inception of plaintiff's or defendants' appropriation.

The restraining order will be refused; to which opinion the plaintiff excepted and an exception is allowed.

Done at Juneau, Alaska, September 2, 1910.

CERTIFICATE.

I, R. E. Robertson, Official Court Stenographer for the District Court for the First Division of Alaska, hereby certify that the foregoing and hereto annexed four pages of typewritten matter constitute a true and complete copy of the Oral Opinion in the above-entitled matter, delivered by the Honorable Thomas R. Lyons, Judge, as taken by me in shorthand and as extended by me from said shorthand notes.

Dated at Juneau, Alaska, this 29th day of May, 1911.

R. E. ROBERTSON,
Official Court Stenographer. [2114]

Defendant's Exhibit "J-2"—Minutes of Meeting of Miners of Harris Mining District, Feb. 12, 1887.

The regular annual meeting of the Miners of Harris Mining District was held on February 12, 1887, to elect a District Recorder for Harris Mining District for the ensuing year.

D. H. Murphy, Esq. was chosen Chairman, and John G. Heid, Sec'y.

There being no opposing candidates for said office of District Recorder; upon motions of S. Lewis the rules were suspended and Louis L. Williams, the present incumbent, was chosen the Recorder by acclamation.

On motion the meeting adjourned sine die.

J. G. HEID,
Secretary.

(Page 91—"Book, Mining District, Aug. 1881 to Feby. 1888.)

The regular annual meeting of the Miners of Harris Mining District, Alaska, was held, pursuant to the regular call, at the Court House in the town of Juneau, Alaska, on the 11th day of February, 1888.

Upon motion, J. G. Heid was chosen chairman and John Olds Secretary.

Upon motion of John Curry, Esq., the rules were suspended and L. L. Williams, the present incumbent of the office of Recorder for said Harris Mining District, was elected by acclamation, for the ensuing

2322 *Alaska-Juneau Gold Mining Company vs.*

year, as recorder for said Harris Mining District,
Alaska.

Dated Feby. 11, 1888.

JOHN HEID,

Chairman.

JOHN OLD,

Secretary.

(Page 92 above Minute-book.) [2115]

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for Idant
8/7/14

2323

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J. W. H. H.

Bluffs
for Idant

MAP OF

EBNER PATENTED MINING CLAIMS

SHOWING SURVEYS

87-88-89-90-91-238-239-237-545-641

ALSO ACTUAL POSITION OF IDENTIFIED CORNERS
AS SURVEYED DEC 1910

Scale 1 inch = 200 feet



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**Defendant's Exhibit "L-2"—Complaint in No.
510-A.**

In the District Court for the District of Alaska, Division No. 1, at Juneau.

No. 510-A.

V. McFARLAND, MARIE McFARLAND (His
Wife), C. M. THORNDYKE, MAUDE AN-
NETTE GREENIG, and JAS. W. KELLY,
Plaintiffs,

vs.

THE ALASKA PERSEVERANCE MINING COM-
PANY (a Corporation),
Defendant.

Complaint.

The plaintiffs complain of the defendants and for
cause of action, allege:

I.

That the Alaska Perseverance Mining Company is a
corporation duly organized and existing under and
by virtue of the laws of the State of New York, with
the principal place of business and property in the
District of Alaska, and authorized to do business in
said District.

II.

That on the 19th day of June, 1905, the plaintiff
V. McFarland was and now is a citizen of the United
States of America, over the age of 21 years, and
located at and in Silver Bow Basin, Harris Mining
District, near the town of Juneau, in the District of
Alaska, a certain placer claim and location staked,
located and bounded as follows, to wit:

Beginning at a place whereon the location notice was posted, and running in a northerly direction 1232 linear feet to a stake or monument of stone marked N. E. Cor. of the B. C. Fractional Placer Claim; thence 460 linear feet in a westerly direction to a stake or monument of stone marked [2117] N. W. Cor. of the B. C. Fractional Placer Claim; thence 1300 linear feet in a southeasterly direction to a stake or monument of stone marked S. W. Cor. of the B. C. Fractional *Place* Claim; thence 50 linear feet in an easterly direction to place of beginning.

The west line of said claim being the east side line of the United States patented "Perseverance Placer Claim," and said claim being located as and *know* as the B. C. Fractional Placer Claim.

And did thereafter on the 27th day of June, 1905, duly file for record with the District Recorder of said Mining District a location certificate of said placer claim, which location certificate is recorded in Book 10 of Placers, on page 9 of the Records of the office of said Recorder.

III.

That at the time of the location of said claim, ever since and now, the ground within the exterior boundaries, as herein described, was and is valuable for placer mining, and did and does contain in the ground therein situated, valuable deposits of placer gold. And that the said placer claim is now owned by and in possession of these plaintiffs, all of whom are adult citizens of the United States of America, as cotenants by virtue of mesne conveyances from the said V. McFarland, and that said V. McFarland and

Marie McFarland are husband and wife.

IV.

At the time of the location of the said placer claim, herein described, there was flowing through, over and upon the same, a certain creek and natural stream of water known as and called "Lurvey Creek," which said creek joined and flowed into another creek and natural waterway known as "Gold Creek" flowing in said basin at a point northwest from [2118] said "B. C. Fractional Placer Claim," and which said creek headed southeast from said "B. C. Fractional Placer Claim," and carried the waters collected, up the side of said basin above the said "B. C. Fractional Placer Claim," and that at said time there was flowing in said creek and down the course of the same, at and above the point of appropriation and location hereinafter described, and through and over the said "B. C. Fractional Placer Claim," a volume of water varying from 600 to 1,000 miner's inches. And that at said time the said waters of the said creek were unappropriated for mining, propelling machinery or any beneficial use, or at all.

V.

That on the 24th day of July, 1905, the said V. McFarland did enter upon the said "Lurvey Creek" at a point about 700 feet from the junction of said creek with the said Gold Creek and southeast of the said "B. C. Fractional Placer Claim," and locate, claim and appropriate 1,000 miner's inches of the said waters of the said Lurvey Creek so unappropriated, unclaimed and unused and then flowing in

the said Lurvey Creek, and did, at said point of diversion, post a notice of appropriation of said waters in words and figures as follows, to wit:

“NOTICE OF APPROPRIATION OF WATERS.

Notice is hereby given, that the undersigned on July 24th, 1905, located, appropriated and claims 1,000 miner's inches of water of the waters of Lurvey Creek in the Silver Bow Basin in Harris Mining District, District of Alaska, at the point where this notice is placed, which water is intended for use in mining and milling and especially for use on the “B. C. Fractional Placer” through which Lurvey Creek runs at said point of diversion aforesaid. The said water is to be diverted and conveyed by means of a dam and flume, or pipe-line [2119] measured from the junction of Lurvey Creek with Gold Creek to the point of diversion whereon this notice has been posted as aforesaid, about seven hundred (700) feet up said creek in a southeasterly direction.

(Signed) Appropriator and Locator,
V. McFARLAND.

Witnesses:

FRANK S. SHELTON,
JAMES W. KELLY.”

Which said notice of appropriation was thereafter on the 26th day of August, 1905, duly filed for record with the District Recorder of said Mining District of the District of Alaska, and duly recorded in his office in Book 10 of placers at page 18 of the Records thereof. And that on said date the said V. McFarland did commence the construction of a dam in the bed of the said Lurvey Creek at the point of

location and appropriation aforesaid, and did thereafter immediately and continuously construct from said dam an intake and flume and carry the said waters over and upon the "B. C. Fractional Placer Claim," and thereon construct flumes and sluices for the retention and collection of gold mined upon said placer and erect upon said placer a hydraulic giant and pipe, and with said waters begin the washing and mining of the said placer claim with the said waters. And the said waters were so appropriated for the purpose of said mining, hydraulicking and washing the gold in said placer claims, and was necessary for its full volume and amount for that purpose, and ever has been so necessary and is now so necessary. And that thereafter these plaintiffs by mesne conveyances became and now are co-owners with the [2120] said V. McFarland in the said water right, location and appropriation.

VI.

That after the location, appropriation and diversion of the said waters of the said Lurvey Creek as aforesaid, and while these plaintiffs were actually engaged in the use of the same for the mining and washing of the placer grounds, as aforesaid, and in using the same for the washing and sluicing of the gold and minerals contained in said placer claim, the defendant did without right and against the rights of these plaintiffs, enter upon the said Lurvey Creek at a point above the aforesaid point of diversion of the said waters of the said McFarland, and at such point wrongfully and unlawfully, and against

the rights of the plaintiffs, divert the waters of said creek and carry the same from the natural bed and channel of said creek by means of dams, in said creek and flumes, ditches and pipe-lines and divest and dispossess these plaintiff of all of said waters, and prevent them from further using the said placer claim therewith, and ever since have so wrongfully and unlawfully diverted the said waters and excluded the plaintiffs from the use of the same to the plaintiffs' damage in the sum of \$5000.00.

That the defendant by the acts of aforesaid has divested the plaintiffs of the possession of said waters and have ousted the plaintiffs from the possession and use thereof, and has, and now is, depriving the plaintiffs of the said waters, or of any use thereof. That the diversion of said waters and the possession of the same by the defendants, as aforesaid, is of a continuing and daily damage to these plaintiffs.

Wherefore plaintiffs pray judgment: [2121]

I.

For the sum of five thousand (\$5000.00) dollars' damages herein sustained before the commencement of this action and for such further and other damages accruing before and after the commencement of this action, and before the trial thereof, as may be made to appear upon the trial of such action.

II.

That the plaintiffs may be adjudged to be the owners by prior appropriation and use of 1,000 miner's inches of the said waters of the said Lurvey Creek, and they may be restored to the possession

and use of said waters, and may have such writs of assistance of possession against said defendant, so as they may be put in possession of the flow of 1,000 miner's inches of water down the said waters of Lurvey Creek, from and by the point of diversion of the waters thereof, by the said defendant, and that the said defendant be prohibited from diverting any of the said waters of said Lurvey Creek from their flow to the said placer claim under the said appropriation of the plaintiffs, except such waters therein, as are in excess of the said 1,000 miner's inches.

III.

That plaintiffs may have and recover of and from the defendant their costs and disbursements herein.

W. E. CREWS and

G. C. ISREAL,

Attorneys for Plaintiffs.

United States of America,
District of Alaska,—ss.

I, James W. Kelly, being first duly sworn, on oath say: That I am one of the plaintiffs named in the above-entitled action; that I have read the foregoing complaint and know the contents thereof, and believe the same to be true. [2122]

JAMES W. KELLY.

Subscribed and sworn to before me, this 6th day of December, A. D. 1905.

[Seal]

L. B. FRANCIS,

Notary Public for Alaska. [2123]

**Defendant's Exhibit "M-2"—Amended and
Supplemental Answer in 510-A.**

*In the District Court for the District of Alaska,
Division No. 1, at Juneau.*

No. 510-A.

V. McFARLAND, MARIE McFARLAND (His
Wife), C. M. THORNDYKE, MAUDE AN-
NETTE GREENIG, and JAS. W. KELLY,
Plaintiffs,

vs.

THE ALASKA PERSEVERANCE MINING
COMPANY (a Corporation),
Defendant.

Amended and Supplemental Answer.

Comes now the above-named defendant, and leave
of the Court having first been obtained, files this
amended and supplemental answer here and states:

I.

That the defendant denies each and every allega-
tion contained in each and every of paragraphs I, II,
III, IV, V, VI and VII of said complaint, except
that defendant admits that it is a corporation duly
organized and existing under the laws of the State
of New York and authorized to do business in the
District of Alaska, and that there is a certain creek
called Lurvey Creek.

And further answering said complaint, and by way
of an affirmative defense herein, this defendant
states:

I.

That said defendants is a corporation duly organized and existing under the laws of the State of New York, with its principal place of business in New York City, and is authorized to do, and doing, business in the District of Alaska, having its office at Juneau, in said District of Alaska.

II.

That on and prior to the 2d day of July, A. D. 1897, one Joseph T. Gilbert was a citizen of the United States and [2124] over the age of 21 years, and was the owner by location or purchase of six certain mining claims in Silver Bow Basin, Harris Mining District, District of Alaska, and near the town of Juneau, and bordering upon, adjacent to and near by a certain creek and its tributaries known as Lurvey Creek, being the same Lurvey Creek referred to in the complaint of the plaintiffs herein; that said mining claims contained gold in paying quantities and were valuable as mining claims.

III.

That on the 2d day of July, A. D. 1897, the said Joseph T. Gilbert did enter upon the public domain and lands belonging to the United States, through which said Lurvey Creek flowed, at a point six or seven hundred feet below what is known as the Lurvey Placer Claim on said creek, and locate, claim and appropriate 4,000 miner's inches of water of said Lurvey Creek, which said water was at said time unappropriated, unclaimed and unused, and then flowing in said creek, and did, at said point of

diversion, post a notice of appropriation of said water and the right of way for a ditch, flume and pipe-line, which said notice of location, pre-emption of right of way for ditch, flume and pipe-line and location of water, is in words and figures as follows, to wit:

NOTICE OF LOCATION PRE-EMPTING OF
RIGHT OF WAY FOR DITCH, FLUME
AND PIPE AND LOCATION OF WATER.

To *who*, these presents may concern, know ye, that I, Joseph T. Gilbert of Milwaukee, Wisconsin, a citizen of the United States do hereby declare, and publish as a legal notice to all the world that I claim and have a valid right to the occupation, possession and enjoyment of all and singular that tract or parcel of land, lying and being in the [2125] Harris Mining District, District of Alaska, for the exclusive right of way for the purpose of constructing a ditch, flume, or pipe-line from Lurvey Creek to the Perseverance Mill site, U. S. Survey No. 68-B, more particularly described as follows, to wit:

Commencing at this notice and monument the same being erected at a dam in said creek and running thence:

First Course, N. 20 deg., 00' 151 feet, thence

Second Course, N. 47 deg., 30' W. 44 feet, thence

Third Course, N. 81 deg., 00' W. 126 ft., thence

Fourth Course, S. 20 deg., 15' W. 103 ft., thence

Fifth Course, S. 69 deg., 30' W. 75 ft.,

to the head of the pipe-line, thence by pipe N. 3 deg. 30' W. 1400 ft. horizontal measurement to the said mill site. I also claim and have valid right to 4,000

miner's inches of water from said creek for mining purposes to be conveyed through said ditch and pipe to said mill site.

Notice posted on the ground this 2d day of July, 1897.

JOSEPH T. GILBERT,
By CHAS. W. GARSIDE,
Agent.

IV.

That said above notice of location, pre-emption of rights of way for ditch, flume and pipe-line and location of water was thereafter on the 6 day of July, 1897, recorded in Book 5 of Placers, at page 199, in the Recorder's office at Juneau, Alaska.

V.

That said location and appropriation of said water was made by the said Joseph T. Gilbert for the purpose of using the same in developing and working the said mining claims herein referred to, and the whole amount so located and appropriated was necessary for said purposes; that said mining claims constitute, with the mill sites in connection [2126] therewith, one entire mining property, and plan of development thereof then laid out, contemplated the use of said waters for the generation of power as well as all other general mining purposes, and the same was to be conveyed by ditch, flume and pipe-line to the mill to be thereafter erected, as soon as the development of the mine should render the same expedient, and to the mine, boarding-house and wherever else needed in that connection, there to be used in generating power to run said mill and for all other

mining purposes; and to that end and purpose the said Joseph T. Gilbert did commence immediately after the posting and recording of the said notice of location and pre-emption of right of way for ditch, flume and pipe-line and location of water, the construction of a dam in the bed of said Lurvey Creek at the point of diversion and appropriation aforesaid, and did thereafter and immediately and continuously commence to clearing off of the right of way for said ditch, flume or pipe-line so laid out and described in said notice above referred to, and did continuously thereafter continue with diligence to construct from said dam and intake, flume, ditch and pipe-line to carry said water to his mill site herein referred to, along the survey line laid out and described in said notice, and which is more particularly described in a map and plat hereto attached and made a part of this amended and supplemental answer.

VI.

That thereafter, for a good and valuable consideration, said Joseph T. Gilbert did sell, transfer and convey by good and sufficient deeds of conveyance all of his right, title and interest in and to his certain mining claims and mill site herein referred to, and the said water right and water so appropriated and located by him and the right [2127] of way for the ditch, flume and pipe-line, and all of his improvements in connection therewith upon said mining claims, and mill site contained in U. S. Survey No. 68B, to this defendant, the Alaska Perseverance Mining Company, which said deeds of conveyance

bear date of September 17, 1903, and April 22, 1902, respectively, and are recorded in books 20 and 18 at pages 378 and 395, respectively; but that said Alaska Perseverance Mining Company, this defendant, went into possession of said property under an option to purchase prior to the execution of said deeds and about the 10th day of August, 1901, and up to the date of this defendant company going into possession of said mining property and millsite, and water rights, right of way and other property mentioned herein, the said Gilbert did continuously and with diligence prosecute his said work upon said mining claims and water rights, pipe-lines and flume lines and continued the development of his said mines, and this defendant after taking possession of said property in the year of 1901 and ever since said time, has continuously and with diligence continued to develop their said mining property so purchased from said Gilbert and other mining property which they have since acquired adjacent there, and have continuously continued their said work on their said right of way for ditch, flume and pipe-line from the point of the intake on said Lurvey Creek to their said millsite known and referred to herein as the Perseverance millsite, U. S. Survey No. 68B; and have constructed and maintained during said time continuously ditch, pipe and flume lines conveying the water from said Lurvey Creek and said dam and point of intake and used said water in connection with their boarding-house, and air-blast used in connection with running a large tunnel over 2500 feet in length on their said property; and have continued their [2128] said improve-

ments on their said mining property and mill site; have built a large boarding-house for the purpose of accommodating their employees, and will accommodate more than 150 men; have constructed two large compressors, office buildings, stables and outhouses and completed a 50-stamp mill, which said building is large enough for 50 stamps more, and is ready now to be equipped with the same, and have expended in all upon said water rights, ditches, flumes and pipeline, buildings and mill, something over \$250,000, and have expended in development work on said mining property of said company so purchased from said Gilbert and other mining claims adjacent thereto, but all of which is one common property, over \$200,000; more, and that prior to the 24th day of July, 1905, this said defendant had excavated a ditch line for the purpose of laying its water main or water pipe to conduct said water from said Lurvey Creek to its said millsite herein described and had ordered and purchased pipe and piping for the purpose of conveying said water from said creek to its said mill, which at said time was in process of construction, and has continued the prosecution of its said work and completed the construction of its said flume and pipeline from said intake on said creek to the mill of this defendant, and had prior to said 24th day of July, 1905, diverted and appropriated said water from said creek and at all times has been in possession of the same and the right of way so purchased from said Gilbert and since said purchase, and have used the said 4,000 miner's inches of water for hydraulic purposes and mining and have turned it through said

flume and pipe and conveyed it to the said mill and are ready to use the same for the purpose of generating power for the running and operation [2129] of said mill and other purposes herein referred to.

VII.

That this defendant and its grantors have at all times and continuously since July, 1897, maintained and used, and are now maintaining, using and are entitled to maintain and use the whole of the water of said Lurvey Creek up to 4000 miner's inches, and the same will continue to be necessary to properly carry on, maintain and operate the defendant's mining and milling business herein referred to, and that the defendant's mining and milling operations cannot be carried thereon without said water and the whole thereof.

Wherefore defendants asks:

1st. That the plaintiffs' action be dismissed and the defendant be adjudged to be the owner, and entitled to the use and enjoyment of the said waters of the said Lurvey Creek to the extent and quantity of 4000 miner's inches.

2d. That the plaintiffs and each of them and persons claiming or to claim by, through or under them, and each, either or all of them, be restrained and enjoined from interfering with, encroaching upon or in any manner disturbing the defendant in its use of the said waters of the said Lurvey Creek.

3d. And for such other of further relief as may

seem just in the premises, and for its costs and disbursements herein.

R. F. LAFFON,
MALONEY & COBB,
JOHN R. WINN,

Attorneys for Defendant. [2130]

United States of America,
District of Alaska,—ss.

I, John R. Mitchell, being first duly sworn, on oath say: That I am the agent of the Alaska Perseverance Mining Co., defendant, upon whom service of summons may be made in the above-entitled action; that I have read the foregoing amended and supplemental answer and know the contents thereof and believe the same to be true; that as such agent, upon whom service of summons may be made, I make the foregoing affidavit.

JOHN R. MITCHELL.

Subscribed and sworn to before me this 8th day of April, A. D. 1907.

(Seal)

NEWARK J. BURTON,
Notary Public for Alaska. [2131]

Defendant's Exhibit "N-2"—Plaintiffs' Amended Reply.

In the District Court for the District of Alaska, Division No. 1, at Juneau.

No. 510-A.

V. McFARLAND, MARIE McFARLAND (His Wife), C. M. THORNDYKE, MAUDE ANNETTE GREENIG, and JAS. W. KELLY,

Plaintiffs,

vs.

THE ALASKA PERSEVERANCE MINING COMPANY (a Corporation),

Defendant.

Plaintiffs' Amended Reply.

Comes now the above-named plaintiffs and after leave of Court first had and obtained in that behalf files this their amended reply to the supplemental and amended answer herein, and so replying admit, deny and allege:

I.

Replying to paragraph II of the said answer, plaintiffs say that they have not sufficient knowledge upon which to predicate a belief as to the truth or falsity of the matters and things alleged in said paragraph, and therefore deny the same and each and every allegation contained in said paragraph, and each and every part thereof.

II.

Replying to paragraph III of said answer, plain-

tiffs say: that they deny the same and each and every allegation therein contained, and each and every part of said paragraph and the whole thereof.

III.

Replying to paragraph IV of said answer, the plaintiffs say that they have not sufficient knowledge or information upon which to predicate a belief as to the truth or falsity [2132] of the matters and things alleged in said paragraph, and that they therefore deny the same and each and every allegation contained in said paragraph, and each and every part of said paragraph and the whole thereof.

IV.

Replying to paragraphs V, VI, and VII of said answer, the plaintiffs say: That they deny the same and each of the same and each and every allegation contained in each and all of said paragraphs, and each and every part of each and every of said paragraphs, and the whole of each and every of said paragraphs.

The plaintiffs further affirmatively replying to the affirmative answer and defense contained in said answer say:

That if it is true that on the 2d day of July, 1897, or at any other time, one Joseph T. Gilbert or the predecessors or grantors of the defendant did as alleged in said answer *of* otherwise post any notice of the intended diversion or appropriation of any of the waters of Lurvey Creek as in said answer alleged and the predecessors and grantors and the defendant did thereafter wholly fail to divert or to put to any beneficial use any of the said waters of the said Lurvey Creek to be acquired or appropriated under said no-

tice, and did thereafter abandon wholly and all rights to appropriate or acquire any of such waters by virtue of such notice of otherwise.

Plaintiff further alleges that on the said 2d day of July, 1907, and ever since the year 1882, there was, existed and now exists in the District of Alaska, and wholly within the boundaries of which the premises and rights in controversy in this action and at all times were wholly contained, a mining district known as and called Harris Mining District, and at all of said times having and maintained a District [2133] Recorder for the recording of mining claims and water right notices and locations, and originally created in the year 1881, by the miners then resident within the confines of said created district at a miners' meeting held within the subsequently declared exterior boundaries of said then created district, at which meeting in accordance with the laws and custom of miners the boundaries of said district were declared and fixed, and at which said meeting and adjournment meeting thereof held prior to said 2d day of July, 1897, there was adopted and put in force and effect in said district a code of local laws and rules governing and to govern said district, and all persons therein, the subsequent acquiring and holding of mining claims and water rights, which said local laws and rules were filed with and recorded in records of the said district recorder and became a part of the files and records of such office, and which laws and rules were ever thereafter and on said 2d day of July, 1897, in full force and effect in the government of said district in that behalf.

That by said local laws, code and rules so adopted and enforced therein it was among other things provided:

“The right to use the running water flowing in a river or stream or down a canyon or ravine may be acquired by appropriation.”

“The appropriation must be for some useful and beneficial purpose and when the appropriator or his successor in interest ceases to use it for such purpose the right ceases.”

“As between appropriators the one first in time is the one first in right.”

“A person desiring to appropriate water must post a notice in writing in a conspicuous place at the point of intended diversion stating therein—First: He claims the water there flowing to the extent of (giving the number) inches [2134] measured under a four inch pressure. Second: The purpose for which he claims it and the place of intended use. A copy of the notice must within (10) days after it is posted be recorded in the books kept by the recorder of the district.”

“Within twenty days during the working season after the notice is posted the claimant must commence the excavation or construction of the works in which he intends to divert the water and must prosecute the work diligently and uninterruptedly to completion unless temporarily interrupted by rain or snow.”

“By completion is meant the conducting of the water to the place of intended use.”

“By a compliance with the rules above-named the

claimant's right to the use of the water relates back to the time that the notice was posted."

"A failure to comply with such rules deprives the claimant to the right to the use of the water as against a subsequent claimant who complies therewith."

That is the said Joseph T. Gilbert *of* the predecessors or grantors of defendant *of the defendant* did on the said 2d day of July, 1897, or at another time subsequent to said 1882, or as in the answer alleged, post any notice upon the said Lurvey Creek as therein alleged or otherwise, then the said persons and the said defendant thereafter wholly failed to obey or conform to or perform or comply with any of the requisites of any of said local laws and rules, and by virtue of the same did lose and abandon any right to the said waters that might have been acquired by complying with and conforming thereto in and to such water.

Wherefore, the premises considered, the plaintiffs do pray judgment as in their complaint herein asked.

G. C. ISREAL,

J. A. HELLENTHAL,

Attorneys for plaintiffs. [2135]

United States of America,
District of Alaska,—ss.

C. M. Thorndyke, being first duly sworn, according to law, deposed and says that he is one of the plaintiffs in the above-entitled cause of action; that he has read the foregoing amended reply, and known the contents thereof, and that the same is true as he verily believes.

(Notarial Seal)

C. M. THORNDYKE.

Subscribed and sworn to before me this 2d day of May, 1907.

C. M. SUMMERS. [2136]

Defendant's Exhibit "O-2"—Findings of Fact.

In the District Court for the District of Alaska, Division No. 1, at Juneau.

No. 510-A.

V. McFARLAND, MARIE McFARLAND (His Wife), C. M. THORNDYKE, MAUDE ANNETTE GREENIG, and JAS. W. KELLY,

Plaintiffs,

vs.

THE ALASKA PERSEVERANCE MINING COMPANY (a Corporation),

Defendant.

Findings of Fact of the District Court.

This cause comes on for trial before the Court on the 4th day of May, 1907, the plaintiffs appearing by their attorneys, G. C. Israel and J. A. Hellenthal, the defendant appearing by its attorneys, Maloney & Cobb, F. M. Stone, R. M. Laffoon and John R. Winn, and the Court having heard the testimony offered and submitted by the respective parties, and having fully considered the proof submitted by the plaintiffs and the defendant, and having heard the argument of the respective counsel, and having considered the law, and being fully advised in the premises, and having made and filed its decision in

writing herein and upon motion of counsel for defendant finds the following:

1. That the plaintiffs filed their complaint herein on December 5, 1905, and after the formal allegation of the defendant's corporate character, the plaintiffs allege that on the 19th day of June, 1905, McFarland, one of the plaintiffs mentioned herein, located a placer mining claim known as the B. C. Placer, which is set out and described in the complaint, and further alleges that it was valuable placer [2137] ground, and that plaintiffs were competent locators; that at the time of locating the B. C. Placer claim, the creek known as Lurvey Creek flowed over the same carrying from 600 to 1000 miner's inches of water, and at that time the waters of said creek were unappropriated for mining, propelling machinery, or any beneficial uses at all.

That on July 24, 1905, McFarland located the same on the B. C. claim, claiming 1000 miner's inches, and the complaint then contains his notice of location, and a copy thereof is set out in full. That on August 26th, 1905, McFarland claims to have commenced the construction of a dam in the bed of Lurvey Creek at the point of location and appropriation, and did thereafter immediately and continuously construct the intake and flume and carry the water over and upon the B. C. Placer and began washing and mining thereon with said water, and that plaintiffs further claim that the waters were necessary in full volume for that purpose, also stating that plaintiffs are co-owners in both the water and B. C. Placer claim. The complaint further alleges that while the plain-

tiffs were actually engaged in using the water for mining, the defendant entered upon Lurvey Creek at a point above the plaintiffs' division and diverted the waters of said creek by means of dams, flumes, ditches and pipe-lines, and dispossessed plaintiffs of its uses, praying for damages, and that plaintiffs be adjudged to be the owners by prior appropriation and use of a thousand miner's inches of the said waters of said Lurvey Creek and that they may be restored to the possession and use of the waters and may have such writs of assistance and of possession against said defendant so as they may be put in possession of the flow of one thousand miner's inches of water down the said [2138] water of Lurvey Creek from and by the point of diversion of the waters thereof by the said defendant, and that the said defendant be prohibited from diverting any of the said waters of said Lurvey Creek from their flow to the said placer claim under the said appropriation of plaintiffs, except such waters therein as are in excess of the said one thousand miner's inches.

Defendant answers denying all of the material allegation of plaintiffs' complaint, and then alleges that on and prior to July 2, 1897, one Joseph T. Gilbert was a citizen of the United States and the owner of six claims in Silver Bow Basin upon the waters of Lurvey Creek; on that day he located a water right and posted a notice, a copy of which is as follows, to wit:

“NOTICE OF LOCATION PRE-EMPTING OF
RIGHT OF WAY FOR DITCH, FLUME AND
PIPE AND LOCATION OF WATER.

To whom these presents may concern know ye, that I, Joseph T. Gilbert of Milwaukee, Wisconsin, a citizen of the United States, do hereby declare, and publish as a legal notice to all the world that I claim and have a valid right to the occupation, possession and enjoyment of all and singular that tract or parcel of land, lying and being in the Harris Mining District, District of Alaska, for the exclusive right of way for the purpose of constructing a ditch, flume, or pipe-line from Lurvey Creek to the Perseverance Millsite, U. S. Survey No. 68B, more particularly described as follows, to wit:

“Commencing at this notice and monument of the same being erected at a dam in said creek and running thence:

First Course, N. 20 deg. 00' E. 151 feet, thence

Second Course, N. 47 deg. 30' W. 44 feet, thence
[2139]

Third Course, N. 81 deg. 00' W. 126 ft., thence

Fourth Course, S. 20 deg. 15' W. 103 ft., thence

Fifth Course, N. 69 deg. 30' W. 75 ft., thence to the head of the pipe-line, thence by pipe N. 3 deg. 30' W. 1400 ft. horizontal measurement to the said mill site. I also claim and have a valid right to 4000 miner's inches of water from said creek for mining purposes to be conveyed through said ditch and pipe to said millsite.

Notice posted on the ground this 2d day of July, 1897.

JOSEPH T. GILBERT,
By CHARLES W. GARSIDE,
Agent."

And that thereafter on the 6th day of July, 1897, the said notice was duly recorded in the office of the recorder at Juneau, Alaska, the said mining claims and water of Lurvey Creek being located in said mining claims recording district. That said waters and the whole thereof were located and were necessary for the development and working of the mining claims; that the mining claims, mill sites and water rights then located and owned by the said Gilbert, and those thereafter located and acquired by the defendant company herein constituted one entire mining property, and the plan of development and working of the same contemplated the use of the waters of said Lurvey Creek for the generation of power; that the water was to be used in the houses, buildings and mills; that Gilbert began the construction of dams, flumes, pipe-lines and erection of the necessary buildings to use said water immediately after the same, and that said work of development of said mines and the appropriating of said water and devoting it to beneficial and useful purposes, as above stated, were prosecuted with reasonable diligence; that said Gilbert sold to the defendant mentioned herein, said mining property, water rights, etc., and the said [2140] defendant entered into possession of the same, and has since continued diligently to develop the entire plant and to

erect works, build flumes, pipe-lines, boarding-houses, crusher, air-compressors, mills and other works for the application to beneficial use of the waters so continuously diverted and used the water of Lurvey Creek at a point above plaintiffs' diversion for such purposes, and the defendant prays for confirmation of its title, and that plaintiffs be restrained from interfering with defendant's use of the water to the amount claimed. A reply to the amended and supplemental answer was filed herein substantially denying the material affirmative matters set up in said supplemental answer, and the reply further states that if it is true that the said Joseph T. Gilbert or the grantors of the defendant did post notices, etc., of the intended appropriation and diversion of the water as alleged in the amended supplemental answer, that the same was not applied to beneficial use, and that there were certain rules and regulations in force in Harris Mining District, in the district in which said water was located, and that the defendant and its grantors had failed to comply with the terms and conditions of the same.

2. That immediately after the case was called for trial, on motion of V. McFarland and Maria McFarland, his wife, then and theretofore plaintiffs in this case, upon order of the Court, Walter F. Swan was substituted as one of the plaintiffs in this cause instead of and in place of V. McFarland and Maria McFarland, his wife, upon the ground that Walter F. Swan had succeeded to the interests of the said V. McFarland and Maria McFarland and after the commencement of said suit.

3. The Court further finds that in October, 1880, the miners in and near the vicinity of the present site of Juneau, Alaska, discovered gold in Silver Bow Basin, where [2141]. the property in litigation in this case is situated; they *they* called miners' meetings, organized the Harris Mining District, embracing such basin, adopted rules and regulations governing the location, size and rights of miners' claims, elected a local recorder, and instituted a miners' form of government where none had previously existed. At a subsequent meeting held in February 18, 1882, the miners adopted additional rules and regulations governing the appropriation and diversion of water from streams for mining and other beneficial uses, and that the rules and regulations governing the appropriation and use of water, as set forth in said miners' rules and regulations, were as follows, to wit:

“Art. 1. The right to use the running water flowing in a river or stream, or down a canyon or ravine, may be acquired by appropriation.

Art. 2. The appropriation must be for some useful or beneficial purpose, and when the appropriator or his successor in interest ceases to use it for such purposes, the right ceases.

Art. 3. The person entitled to the use may change the place of diversion if others are not injured by such change, and may extend the ditch, flume, pipe or aqueduct by which the diversion is made to take place beyond that where the first use was made.

Art. 4. A water appropriation may be turned into the channel of another stream and mingle with its

waters and then reclaimed, but in reclaiming it the water already appropriated by another must not be diminished.

Art. 5. As between appropriators, the one first in time is the first in right. [2142]

Art. 6. A person desiring to appropriate water must post a notice in writing in a conspicuous place at the *point intended* diversion, stating herein: First, he claims the water there flowing to the extent of (giving number) inches, measured under six-inch pressure; second, the purpose for which he claims it and the place of intended use. A copy of the notice must within (10) ten days after it is posted be recorded in the books kept by the recorder of the district.

Art. 7. Within twenty days, during the working season after the notice is posted, the claimant must commence the excavation or construction of the works in which he intends to divert the water, and must prosecute the work diligently and uninterruptedly to completion, unless temporarily interrupted by rain or snow.

Art. 8. By completion is meant conducting the waters to the place of intended use.

Art. 9. By compliance with the above rules, the claimant's rights to the use of the water related back to the time the notice was posted.

Art. 10. A failure to comply with such rules deprives the claimant of the right to the use of the water as against a subsequent claimant who complies therein."

4. That the defendant is a corporation organized and existing under and by virtue of the laws of the State of New York, authorized to do and doing business in the District of Alaska, with its office at Juneau.

5. That on and prior to July 2, 1897, Joseph T. Gilbert was owner by location and purchase of a group of seven certain lode mining claims, to wit, the Perseverance, Alta, Jumbo, Rim Rock, Perseverance No. 2, Alta No. 2 and Jumbo No. 2, and a group of four mill sites, to wit, the Ajax [2143] Rim Rock, Alta and Perseverance, all situated in Silver Bow Basin, Harris Mining District, District of Alaska, near the town of Juneau; that said lode claims lie high upon the mountains and the mill sites in the valley below; that a small creek, called Lurvey Creek, flows over and across said group of lode claims in its upper course, and then tumbles down the mountain and unites with Gold Creek within the boundaries of said Ajax mill site in the valley below; that the ground over which said Lurvey Creek flows on its course from the said group of lode claims to the said mill sites at said time was unappropriated and unoccupied ground.

6. That on said July 2, 1897, said Joseph T. Gilbert, at a point on Lurvey Creek at an altitude of about 800 feet above the said mill site and at an old dam on said creek, located what is *known* as the Lurvey Creek water right and claimed four thousand miner's inches of water of the said Lurvey Creek, located and surveyed his rights of way for ditch, flume and pipe-line from the said old dam across

unappropriated United States government land to the mill sites below, and posted his location notice at said old dam, and that the place of posting the same was also on United States government land at said time unappropriated and unpossessed by anyone.

7. That thereafter, on the 6th day of July, 1897, said Joseph T. Gilbert filed said location notice for record with the recorder of the Juneau Recording District, at Juneau, Alaska, that being the recording district in which said waters *was* located, the said notice was recorded in Book 5 of Placers, at page 199. That at the time of posting of said notice and recording the same, the said waters of Lurvey Creek were unappropriated by anyone, and that said water [2144] was so located and appropriated by the said Gilbert for beneficial use in the development and operation of his said mining properties and was to be conveyed to the mill sites by which ditch, flume and pipe-line for power and other purposes.

8. That immediately thereafter the said Gilbert commenced the development of his said mines by driving tunnels and crosscuts at what is now called the Gilbert tunnel and upper workings, and at the same time commenced the reconstruction of the old dam and the old ditch from the old dam aforesaid, and continued such development during the working season of each year thereafter until the close of 1899, when he completed the ditch to the penstock above said mill site, and excavated for the pipe-line from the penstock to the said mill site, and as early as October, 1897 had the water flowing in said ditch and turned out at the old spillway and over the "little

falls," said point being about midway between the mill sites and the intake on Lurvey Creek.

9. The Court further finds that the said Gilbert located the said water of Lurvey Creek in good faith and for the purpose of applying the same to beneficial use, as stated in these findings and continued actual work on his mines and water rights and water location and prosecuted the same with diligence up to the year 1901.

10. That in 1901, the said Gilbert sold his said mines, water and water rights and all improvements made upon said mines and mining claims, mill sites and water rights to one W. J. Southerland under a contract or option of purchase, and that said W. J. Southerland did thereafter sell said option and contract of purchase, and assign the same, to the defendant herein, and in August, 1901, the defendant entered [2145] into possession of the whole of said mining properties and water rights herein referred to and improvements made by said Gilbert, and thereafter complied with all the terms and conditions of said option and contract of purchase, and received from said Gilbert a good and sufficient conveyance in writing for all of said mining properties, water and water rights and improvements, and the defendant herein has been the owner of the same ever since the year 1901.

11. That immediately upon the defendant taking over the said properties in August, 1910, as aforesaid, it commenced the repair of said water right, ditch and dam, and laid out, and commenced the driving of a tunnel in and over and upon said prop-

erty, known as the Alexander tunnel, which said tunnel has its portal about 275 feet above the said mill site, and extended said tunnel into the mountain, about 2550 feet, cutting the ore bodies at a depth of about a thousand feet below the Gilbert tunnel and far below the apex of the ore bodies.

12. In 1902, while the defendant was driving said Alexander tunnel, the water from Lurvey Creek was carried through said ditch, spilled over the spillway into a canyon below the said "little falls" where it was picked up and conveyed by pipe-line to the blacksmith-shop of the said defendant company, and therein used, and in 1903, during the progress and development of said water rights and mining claims, said water was extended to and used in the boarding-house, and down an air-shaft of the Alexander tunnel for purpose of ventilation.

13. In the latter part of April and early part of May, 1905, defendant commenced the excavation for the foundation for a large boarding-house, crusher-house, compressor-house, and for a one hundred stamp mill, ~~also for a new trench for~~ [2146] the ground being laid out for a three-hundred stamp mill, also for a new trench for the pipe-line from the mill to the penstock at the old ditch, and continued their said work with reasonable diligence, and on August 1, 1905, a new boarding-house was completed and in use, with the Lurvey Creek water therein for domestic and fire purposes, and a foundation for the crusher-house completed, and the trench for the pipe-line completed, and the material on the ground for the construction of the crusher-house, and the

new flume from the dam to the penstock, as well as much of the material for the construction of the mill. By the latter part of October, 1905, the pipe-line had been laid from the mill to the south corner of what is known as the Perseverance placer claim, a new flume completed from both the main and east branches of the Lurvey Creek to the penstock at the head of the pipe-line and the water turned into it and discharged at the spillway, and passed down into the ravine, as it had done theretofore, and from the old ditch, where it was picked up for the use aforesaid. And that in April and May, 1906, the pipe-line was completed to the penstock and the water turned into it and used at the mill and for hydraulic purposes, and during said year a mill was completed of sufficient size and dimensions to accommodate one hundred stamps, and to this extent the scheme and plan of development laid out and started by the said Gilbert in 1897, was completed.

14. That during that said time patents were issued to all of the said mining property, together with certain other properties located by the defendant, to wit, the Perseverance No. 5, Perseverance No. 6 and Ethel fraction lode claims and the Perseverance Placer, all contiguous to the first mentioned property, the said Gilbert having in 1903, deeded the [2147] first-named property to the defendant. That during said time mentioned, defendant had completed an upraise from a point near the end of the Alexander tunnel a vertical distance of 920 feet, and run many drifts and levels, and completed other underground works, all for the successful mining and

operation of said property, at a cost and outlay in excess of \$500,000. The following map shows the relative location of the Perseverance ~~of~~ company's patented and unpatented mining claims, the mill sites, the course of Lurvey Creek across the mining claims, and the location of the B. C. Placer claim, as well as the Perseverance company's flumes at the intake, the course of their diversion and pipe-line, and the location of the diversion of the plaintiffs on the B. C. Placer and the place of the alleged use thereof on the overlap, marked for identification as follows:

(Map and legend omitted.)

15. During the year 1905, and on or about June 19th, and while the defendant was actively engaged in its development work, the plaintiff, V. McFarland, located what is known as the B. C. Fraction Placer claim alongside the Perseverance Placer. A small part of the B. C. Placer was located on unoccupied land over which the Lurvey Creek flows for about 200 feet before entering the said Perseverance Placer grounds. That all of the water so located by the defendant and not used by the defendant during its said period of development continued to flow down said Lurvey Creek and across said B. C. Fractional upon said Lurvey Creek within the said B. C. Fractional ground, claiming one thousand miner's inches of its waters, and on the 26th day of August, thereafter commenced the construction of a dam and intake and flume, and thereafter proceeded to do some ground-sluicing [2148] on what is known as the Martin Lode claim, a prior location claimed by the

defendant, over which the B. C. Fraction lapped, but no clean-up was made, and no gold was obtained therefrom of any consequence. That there is only from one-eighth to one-half of an acre of the B. C. Fraction claim that is not in dispute, that could be successfully worked out or sluiced by the water taken from Lurvey Creek at plaintiffs' intake.

16. That the Court further finds that the location and attempted appropriation of said water by the plaintiffs was not done in good faith or for any beneficial purpose and was not used or applied to any useful or beneficial purpose by said plaintiffs and was not intended to be used by said plaintiffs for any useful or beneficial purpose.

17. That the Court further finds, after a careful consideration of the evidence and the law relating to the miner's rules of the Harris Mining District, which were adopted in 1880, and contained in the first series of ten articles referred to in plaintiffs' complaint, and marked Plaintiffs' Exhibit No. 16 in this case, fell into utter disuse before the rights of either of the parties to this action were claimed to be initiated, and that the same are inconsistent with the general laws of the United States and are, therefore, of no effect in determination of the issues in this case.

18. The Court further finds that prior to the year 1884, the miners of Harris Mining District adopted rules governing the appropriation of water on public lands for mining purposes, and ever since that act the miners throughout the various camps in Alaska, and particularly Harris Mining District, have conformed to the custom of posting notices and declara-

tion of water rights and recording of the same, [2149] and the water from public streams have been diverted and used for mining and other beneficial uses, and such was the custom at the time of the initiation of defendant's rights herein and the commencement of this action and down to the present time.

19. The Court further finds that the work of diversion, appropriation and application of 4,000 miner's inches of water from Lurvey Creek by the defendant herein was prosecuted to completion with reasonable diligence from the time of the inception of said right, and that all of the material *allegation* of the defendant's amended and supplemental answer herein are true.

To each and all of the foregoing findings plaintiffs except, and exception is allowed. [2150]

Defendant's Exhibit "P-2"—Decree.

*In the District Court for the District of Alaska,
Division No. 1, at Juneau.*

No. 510-A.

V. McFARLAND, MARIE McFARLAND (His
Wife), C. M. THORNDYKE, MAUDE AN-
NETTE GREENIG, and JAS. W. KELLY,
Plaintiffs,

vs.

THE ALASKA PERSEVERANCE MINING
COMPANY (a Corporation),
Defendant.

Decree of District Court.

This cause came on for trial before the above-mentioned court on the 4th day of May, 1907, the plaintiffs appearing by their attorneys, G. C. Israel and J. A. Hellenthal, the defendant, appearing by its attorneys, Maloney & Cobb, F. M. Stone, R. F. Laffoon and John R. Winn, and the Court having heard the testimony offered and submitted by the respective parties and having fully considered the proof so submitted by the plaintiffs and defendant, and having heard the argument of the respective counsel and having considered the law and being fully advised in the premises, and having made and filed its decision in writing herein and its findings of fact and conclusions of law, and in its findings of fact and conclusions of law found that C. M. Thorndyke, Maude Annette Greenig, James W. Kelly and Walter F. Swan were and are the real parties in interest, and now, on motion of the above-named defendant, renders this its final order and decree herein;

It is now therefore ordered, adjudged and decreed, and the Court does hereby order, adjudge and decree that the plaintiffs [2151] herein are not entitled to have the waters of Lurvey Creek flow in their natural channel across, over and upon the B. C. Fractional Placer ground set out and described in the pleadings herein and the findings of fact and conclusions of law as against the defendant's use of four thousand miner's inches of the water thereof, and that the plaintiffs are not entitled to the said waters

or any part thereof on account of their diversion as against the defendant, except as to any excess there may be above four thousand miner's inches of said water claimed by the defendant; that the defendant herein, the Alaska Perseverance Mining Co., is entitled to the waters of both branches of Lurvey Creek as against the plaintiffs here, and each, any, and all of them and all persons claiming or to claim by, through or under them to the extent of four thousand miner's inches, if so much there be in said creeks, to be taken from said creeks at any point above the intake of the plaintiffs herein and between the intake of said plaintiffs and the patent placer mining claim known as the "Lurvey Placer Claim," and that said defendant is the owner and entitled to the possession and use of said four thousand miner's inches of water for the purpose of mining and other beneficial use or uses, and is entitled to have its title to said water quieted and cleared, and is the owner of the same by reason of prior appropriation and beneficial use of the same, and in order to make this decree and final judgment more specific in its terms as to the property rights and other matters referred to in the pleadings and findings of fact herein, the following map shows the relative locations of the Alaska Perseverance Mining Company's patented and unpatented mining claims, the mill sites, the course of Lurvey Creek and its branches across the mining claims, and the location [2152] of the B. C. Placer claim, as well as the Perseverance Company's flumes at the intake, the course of their diversion and pipe-line and the loca-

tion of the diversion of the plaintiffs on the B. C. Placer, and are marked for identification on said map and plat as follows:

(Map and legend omitted.)

And it is further ordered, adjudged and decreed that the title and ownership and the right to the paramount use of the waters of both branches of Lurvey Creek to the extent of four thousand miner's inches thereof and to the present capacity of the flumes, pipes, flume and pipe-lines, and ditches now constructed, excavated or laid and in use is forever quieted in the defendant herein as against the plaintiffs herein, and each, any and all of them, and all persons claiming or to claim by, through or under them, and that the plaintiffs and each of them, including the defendant, Walter F. Swan, and all or any persons claiming or may claim or to claim by, through or under them, and each of them, either or all of them be, and the same are hereby perpetually restrained and enjoined from interfering with, encroaching upon or in any manner disturbing the defendant, its grantees or assigns, in the use of the said waters of both branches of said Lurvey Creek to the extent of four thousand miner's inches thereof and to the full capacity of the defendant's flumes, pipe-lines and ditches now in use by it.

And it is further ordered, adjudged and decreed that the defendant have and recover of and from the said plaintiffs herein, C. M. Thorndyke, Maude Annette Greenig, James W. Kelly and Walter F.

Swan, and each and all or any of them, its costs and disbursements herein to be taxed according to law, and let execution issue therefor. [2153]

Done in open court this 28th day of June, 1907.

JAMES WICKERSHAM,
Judge. [2154]





**Defendant's Exhibit "R-2"—List of Locators of
Water Rights, etc.**

Claim: 200 inches of water from the first Gulch below Snow Slide Gulch.

Place of intended use: Locator's Placer Mining Claim.

Locator: James Fallon Page 107

Date: Sept. 31, 1881.

Filed and recorded: June 13, 1882.

Claim: 300 inches of water from the South West Branch of Gold Creek

Locator: Geo. E. Pilz Page 108

Date: June 17, 1882.

Filed and recorded: June 17, 1882.

Claim: 2000 inches of water from the fork of Gold Creek above Silver Bow Basin

Place of intended use: Northerly base of Gold Hill
West of foot of Quartz Gulch.

Locator: M. Powers Page 110

Date: June 12, 1882.

Filed and recorded: June 20, 1882.

Claim: 3000 inches of water out of Gold Creek

Locator: John Prior & Co. Page 111

Date: June 26, 1882.

Filed and recorded: June 26, 1882.

Claim: 300 inches of water from Ready Bullion
Creek

Locator: John Geary Page 115

Date: July 3, 1882

Filed and recorded: July 4, 1882.

Claim: 200 inches of water from Geary Gulch.

Place of intended use: Lone Star Claim. [2156]

Locator: Thomas & Allen Page 116

Date: July 13, 1882.

Filed and recorded: July 13, 1882.

Claim: "200 inches of water"

Place of intended use: Locators' Placer Ground on
Hog Gulch.

Locators: Higinio & Co. Page 118

Date: July 9, 1882.

Filed and recorded: July 19, 1882.

Claim: 200 inches of water of Higinio Gulch.

Place of intended use: Locators' mining ground.

[In margins:] "Omitted." "Outside H. M. D."

Locator: Fred Kakeldey. Page 120

Date: July 21, 1882.

Filed and recorded: July 23, 1882.

Claim: 200 inches of water of Ice Gulch.

Locator: Pascal Charlot Page 122

Date: July 24, 1882.

Filed and recorded: July 31, 1882.

Claim: 200 inches of the water of "this side hill."

Place of intended use: Locator's hill claim fronting
on Specimen Gulch.

Locators: H. Franklin and P. Wiborg. Page 127

Date: Aug. 14, 1882.

Filed and recorded: Aug. 19, 1882.

Claim: 200 inches of water from Ice Gulch.

Place of intended use: California Co. claims.

[2157]

Locators: G. W. Pickett and S. Lewis. Page 129

Date: Aug. 19, 1882.

Filed and recorded: Aug. 20, 1882.

Claim: 1000 inches of water of Bullion Creek and
the water in four small mountain ravines
on the right of Bullion Creek.

Place of intended use: Oro Fino and Mexican
Quartz and Placer Min-
ing Locations.

Locator: Frank McMahon & Co. Page 132

Date: Aug. 25, 1882.

Filing and recording date omitted.

Claim: 200 inches of water of Snow Slide Gulch.

Place of intended use: Locators' placer claims about
300 yards from Snow Slide
Gulch on South side there-
of.

Locator: E. A. Evans for the Eureka Hill Co.

Date: Aug. 21, 1882.

Filed and recorded: Sept. 1, 1882.

Claim: All the water in a Gulch or Ravine known as
the Takow Mill Site Gulch.

Place of intended use: Eureka Hill Co's Claims.

[In margin:] "Omitted."

Locator: N. H. Sylvies in trust for the Perseverance
Hill Company of Gold Creek.

Date: Sept. 4, 1882.

Filed and recorded: Sept. 4, 1882.

Claim: 250 inches of water from a gulch emptying
into Gold Creek about $\frac{1}{4}$ of a mile above
the canyon.

Place of intended use: Perseverance Hill Company's
claim.

Locators: H. Borine, G. Alexander and H. H. Ed-
wards.

Date: Aug. 31, 1882.

Filed and recorded: Sept. 9, 1882.

Claim: 400 inches of water from Snow Slide Gulch.

Locators: Demorty, Sokoloff & Co. Page 137

Date: Sept. 16, 1882.

Filed and recorded: Sept. 16, 1882.

Claim: 150 inches of water of Abandoned Gulch.

Place of intended use: Locators' placer claims at
mouth of said gulch.

Locator: M. Powers. Page 138

Date: Sept. 12, 1882.

Filed and recorded: Sept. 21, 1882.

Claim: 500 inches of water from Black Bear Creek.

Place of intended use: "Powers Claims or others or
milling purposes and to
be extended where its
wanted."

Locator: M. Powers. Page 138

Date: Sept. 12, 1882.

Filed and recorded: Sept. 21, 1882.

Claim: 400 inches of water of Glacier Creek.

Place of intended use: "Powers claims or others or
milling purposes or to
be extended where its
wanted."


Locator: M. Powers. Page 139

Date: Sept. 20, 1882.

Filed and recorded: Sept. 29, 1882.

Claim: 400 inches of water out of Dickes Gulch.

Place of intended use: "Powers claim and others
and to be used where its
wanted for mining or
milling purposes to be
used in flume or pipe."



Page 141

Locators: G. R. Rogers, J. A. Rogers, F. B. Rogers,
M. Thomas and I. Allen.

Date: Sept. 30, 1882.

Filed and recorded: Oct. 3. 1882.

Claim: 800 inches of water from Gold Creek.

[2159]

Page 143

Locators: P. Cloudman, Frank Corwin, Ths. Kernan, Frank Densmore and Jo. Faulkner.

Date: Sept. 28, 1882.

Filed and recorded: Oct. 6, 1882.

Claim: 700 inches of water on Gold Creek.

Place of intended use: Cloudman Co's Hill ground,
East side of Gold Creek.

Page 144

Locators: S. T. McMahon and A. Visailia. Page 144

Date: Oct. 3, 1882.

Filed and recorded: Oct. 9, 1882.

Claim: 200 inches of water of Paris Creek, Douglas
Island.

Place of intended use: Ground below the creek toward the Ready Bullion
on the beach.

Locator: Walter Pierce. Page 149

"Located" Oct. 17, 1882.

Filed and recorded: Oct. 19, 1882.

Claim: 1000 inches of water from creek to be known
as Auk Creek, Douglas Island.

Place of intended use: Placer locations situated near
the mouth of the creek.

Locators: K. M. Morris and C. Babbit. Page 154

Date: Oct. 28, 1882.

Filed and recorded: Oct. 28, 1882.

Claim: 700 inches of surplus water of Auk Creek,
Douglas Island.

Locator: Phillip Starr. Page 159

Date: Dec. 4, 1882.

Filed and recorded: Dec. 28, 1882.

Claim: 250 inches of water in "this gulch."

Place of intended use: Douglas Island Quartz Min-
ing location.

[2160]

Locators: M. Dunn and Frank Mahony Page 162

Date: May 19, 1883.

Filed and recorded: Mar. 19, 1883.

Claim: 300 inches of water from Bear Creek, Doug-
las Island.

Place of intended use: Great Western claim.

Locator: M. Powers.

Page 168

Date: April 23, 1883.

Filed and recorded: April 30, 1883.

Claim: 400 inches of water out of Dix's Gulch; also
all surplus water along line of ditch; also
200 inches of water from Snow Gulch, &c.

Place of intended use: Powers claim &c.

Page 169

Locators: Frederick Martin and Joseph Cassett.

Date: May 1, 1883.

Filed and recorded: May 1, 1883.

Claims: 100 inches of water of Martin's Gulch.

Place of intended use: Locators' placer claims situated on the left hand bank of Gold Creek going up, about one quarter of a mile above Snow Slide Gulch.

Page 171

Locators: Henry Roberts and William Simmons.

Date: May 2, 1883.

Filed and recorded: May 2, 1883.

Claim: 200 inches of water of Roberts Gulch; "also the surface water along the side hill above the point of diversion."

Place of intended use: Locators' placer claims.

Locator: J. B. Hugo, in trust for the Perseverance
Company.

Date: April 28, 1883.

Filed and recorded: May 3, 1883.

Claim: "150 inches of water to be diverted from a
a Gulch situated about 200 yards below
the above named company's claims."

Place of intended use: Perseverance Company's
claims.

[2161]

Locators: Louis Nicholas, Fredrick Martin and
Gervice Cassai.

Dated: May 5, 1883.

Filed and recorded: May 7, 1883.

Claim: "300 inches of water flowing in this gulch ."

Place of intended use: Locators' placer mining
claims.

Locator: Henry Roberts.

Date: May 8, 1883.

Filed and recorded: May 8, 1883.

Claim: 200 inches of water from the second gulch
below Roberts & Simmons Placer Claims.

Place of intended use: Said placer claims.

Page 176

Locator: W. B. Good.

Date: May 12, 1883.

Filed and recorded: May 12, 1883.

Claim: "1000 inches of water to be taken out at the
head of the Montana Mining Co.'s
Claims."

Place of intended use: Said claims.

[In margins:] "Omitted." "Outside H. M. D."

Page 177

Locator: P. Harrison.

Date: May 10, 1883.

Filed and recorded: May 19, 1883.

Claim: 200 inches of water of Geary Gulch.

Place of intended use: Locator's hill placer claim.

Page 180

Locators: Harvey Bowerman and Wm. Bailey.

Date: May 25, 1883.

Filed and recorded: May 25, 1883.

Claim: 100 inches of water of Abandoned Gulch.

Place of intended use: Tenderfoot claims. [2162]

Page 181

Locators: E. A. Evans, S. Mathews and H. Franklin.

Date: May 29, 1883.

Filed and recorded: May 31, 1883.

Claim: All the water of Woods Gulch.

Place of intended use: Eureka Co. Claims.

Locators: L. Thorien and Z. F. Sutherland.

Date: June 16, 1883.

Filed and recorded: June 18, 1883.

Claim: 200 inches of water flowing in "this gulch."

Place of intended use: Locators' placer ground.

[In margins:] "Omitted." "Outside H. M. D."

Locator: Joseph B. Hugo.

Date: June 22, 1883.

Filed and recorded: July 1, 1883.

Claim: 250 inches of water from Granite Gulch and
seepage water on line of ditch.

Place of intended use: Perseverance Company's
claim.

Locators: W. L. Lunig and E. O. Decker.

Date: Aug, 11, 1883.

Filed and recorded: Aug. 12, 1883.

Claim: 200 inches of water of Glacier Gulch.

Place of intended use: Locators' hill claims.

Locator: M. W. Murry.

Date: Aug. 28, 1883.

Filed and recorded: Aug. 28, 1883.

Claim: All the water of Big Creek, Douglas Island.

Water locations contained in Volume 3 of Placer
and Water Locations.

Page 1

Locators: Peter Bulger, Luke Nolan, John Olds and
John Curry.

Date: Sept. 30, 1884.

Filed and recorded: Oct. 1, 1884.

Claim: 1500 inches of water of Grant Creek.

Place of intended use: To be worked in conjunction
with the Bed Rock Flume
Company, Silver Bow
Basin.

Locator: G. W. Pickett.

Page 1

"Located" Sept. 29, 1884.

Filed and recorded: Oct. 6, 1884.

Claim: "All of the water of this creek for mining
and milling purposes." "Said creek is
situated on Douglas Island, Alaska, about
two miles Southeast of Fall Creek and
known as Deer Creek."

Place of intended use: To be brought in a ditch to
connect with Oro Fino &
Mexican Co. ditch.

Locator: Ed Aylward.

Page 4.

Date: Dec. 29, 1884.

Filed and recorded: Jan. 20, 1885.

Claim: 1000 inches of water of Douglas Creek.

Page 5.

Locators: John McLaughlin and Mat McMahon.

Date: Dec. 29, 1884.

Filed and recorded: Jan. 20, 1885.

Claim: 1000 inches of water of Grant Creek.

Locators: Phillip Starr and W. F. Reed. Page 5.

Date: Jan. 2, 1885.

Filed and recorded: Jan. 20, 1885.

Claim: 500 inches of water of Bullion Creek.

Place of intended use: Starr & Reed Quartz Mine.

Page 7.

Locator: S. O. Wheelock and David Flannery.

[2166]

Total number of locations.....456

Recorded within 10 days from date of notice

which notices do not show date of post-

ing.....274

Recorded within ten days from date of post-

ing as shown in notice..... 35

Not recorded within 10 days from date of

notice, which notices do not show date of

posting..... 95

Not recorded within 10 days from date of

posting as shown in notice..... 34

Without date or other means of determining

time..... 18

A—Locations showing general place of use . . .	208
C—Locations showing no place of use	130
B—Locations showing specific place of use . . .	19
D—Locations showing some claim, townsite or mill site, but no particular place of use	104

456

Total number of locations showing posting date	69
Number showing posting date prior to date of notice	19
Number showing posting date subsequent to date of notice	5
Number without date, or of even date	45

69

X— No date given in notice.

O— No recording date shown.

— Posting date given in notice.

— Not filed within 10 day limit.

Locations designating no miners inches of
water, but referring to “this creek,” “all
this creek” etc.76

Defts. Exhibit No. “R-2.” Received in evidence
Aug. 13, 1914. In Cause No. 1074—A. J. W. Bell,
Clerk. By J. T. Reed, Deputy. [2167]

Water locations contained in Volume 1 (A) of
Lode, Placer and Water Claims.

Page 36

Locator: John Olds.

Date: April 7, 1881.

Filed and recorded: April 7, 1881.

Claim: 200 inches of surplus water in Ice Gulch.

Place of intended use: Hill ground situated between
Quartz Gulch and Ice Gulch.

Page 45

Locator: M. Powers.

Date: June 4, 1881.

Filed and recorded: June 7, 1881.

Claim: 600 inches of water in Ice Gulch.

Place of intended use: For working the claims situated on the North West of left hand side going up the creek known as —— Creek.

Page 46

Locators: John G. Gray and A. M. Mulhern.

Date: June 9, 1881.

Filed and recorded: June 12, 1881.

Claim: 200 inches of the water of Ice Gulch.

Place of intended use: Locators' bar claims located opposite to the Jackson & Parks Creek Claims in the Gulch.

Locators: John Walch and John Leary.

Date: June 10, 1881.

Filed and recorded: June 12, 1881.

Claim: "200 inches of water out of this Gulch."

Place of intended use: East Bank of Ice Creek.

Locators: R. T. Harris and Joseph Juneau.

Date: June 13, 1881.

Filed and recorded: June 13, 1881.

Claim: "All the water that runs in Quartz Gulch and its Tributarys."

Place of intended use: 300 inches or less to be conveyed on any place on our placer mining ground in said Gulch or outside of said ———

[2168]

Locator: S. Lewis.

Date: Feb. 15, 1881.

Filed and recorded: Mar. 5, 1881.

Claim: "The water running in small gulch and its tributary emptying into salt water in the Town of Rockwell, Alaska, at the Southwest corner of a lot known as the Woodcock Lot.

Place of intended use: To supply the town of Rockwell &c. with fresh water.

[2169]

Water locations contained in Volume 2 (C) of
Mineral Claims and Water Rights.

Page 4

Locators: Walsh, Leary & Co.

Date: June 27, 1881.

Filed and recorded: June 27, 1881.

Claim: 300 inches of water of Ice Gulch.

Place of intended use: Claims of locators.

Page 16

Locators: F. McMahon, H. Franklin and R. McMahon.

Date: July 11, —.

Filed and recorded: July 16, 1881.

Claim: All the water lying between Ice and Quartz
Gulches and 200 inches of water from Ice
Gulch.

Place of intended use: Vicinity of Quartz Gulch.

Page 19

Locators: Chrls. B. Sperry, James E. Woods and R.
Dailey.

Date: July 12, 1881.

Filed and recorded: July 21, 1881.

Claim: 400 inches of water from Snow Slide Gulch.

Page 23

Locator: George E. Pilz.

Date: July 30, 1881.

Filed and recorded: July 30, 1881.

Claim: 300 inches of water from Gold Creek.

Locator: John Dix.

Date: July 30, 1881.

Filed and recorded: July 31, 1881.

Claim: 750 inches of water of Summit Gulch.

Place of intended use: Said gulch.

Locators: Frank McMahon and Henry Coons.

Date: July 30, 1881.

Filed and recorded: Aug. 1, 1881.

Claim: 600 inches of water from Dix's Gulch and
all the water of the left hand fork of same.

[2170]

Place of intended use: Quartz Gulch or vicinity.

Locator: John Maher.

Date: July 20, 1881.

Filed and recorded: Aug. 7, 1881.

Claim: 300 inches of water of Dix Gulch.

Place of intended use: Locator's hill claim on Ice
or Gold Creek.

Locators: R. T. Harris and Joseph Juneau.

Date: Aug. 22, 1881.

Filed and recorded: Aug. 22, 1881.

Claim: All the tributaries of Discovery Water Ditch
running along the mountain side above the
head of Quartz Gulch, South West.

Place of intended use: Quartz Gulch.

Page 31

Locators: P. Johnson, P. Hedlund, P. Petterson and
Charles Gies.

“Located“ Aug. 24, 1881.

Filed and recorded: Aug. 25, 1881.

Claim: 200 inches of water “taken from this gulch.”

Page 35

Locators: F. M. Richards and Geo. Whitten.

Date: Aug. 31, 1881.

Filed and recorded: Aug. 31, 1881.

Claim: 1000 inches of water of Specimen Gulch from
what is known as the Artic Cabin dam.

Page 38

Locators: W. Pierce and John Dix.

Date: Sept. 10, 1881.

Filed and recorded: Sept. 11, 1881.

Claim: 500 inches of water of Specimen Gulch.

Place of intended use: North Bonanza Hill Claim.

Page 38

Locators: W. Pierce and John Dix.

Date: Sept. 10, 1881. [2171]

Filed and recorded: Sept. 11, 1881.

Claim: 500 inches of water of first gulch above the
Artic Cabin.

Place of intended use: North Bonanza Hill Claim.

Locators: Frank Corwin, Preston Cloudman.

Date: Sept. 18, 1881.

Filed and recorded: Sept. 18, 1882.

Claim: 700 inches of water of right hand fork of
Dix's.

Place of intended use: Ice Gulch.

Locators: John Treadwell & D. P. Mitchell.

Date: Sept. 19, 1881.

Filed and recorded: Sept. 22, 1881.

Claim: 200 inches of water of Ice Gulch.

Locator: J. D. Sage Miller.

Date: Sept. 29, 1881.

Filed and recorded. Sept. 29, 1881.

Claim: "Often abandoned water right of" Snow
Slide Gulch, or all the water at point 150
ft. below the forks.

Locators: H. Franklin and F. McMahon.

Date: Oct. 4, 1881.

Filed and recorded: Oct. 4, 1881.

Claim: 1000 inches of water from Franklin Gulch.

Place of intended use: Vicinity of Hay's Gulch.

Page 61

Locators: J. W. Cooper, J. J. Williams, G. A. Brown,
D. McLean and A. McLaughlin.

Date: Sept. 29, 1881.

Filed and recorded: Oct. 9, 1881.

Claim: 1000 inches of water of Paris Creek.

Place of intended use: Locators' hill claims. [2172]

Page 64

Locator: D. Kenedy.

Date: Oct. 21, 1881.

Filed and recorded: Oct. 25, 1881.

Claim: 100 inches of water used by H. Coons & Co.
on their hill claim.

Place of intended use: Whippoorwill Hill Claim.

Page 66

Locator: J. Boyle.

Date: Nov. 4, 1881.

Filed and recorded: Nov. 6, 1881.

Claim: 200 inches of water of Ice Gulch.

Place of intended use: Locator's Hill Claim on Ice
Gulch.

Page 66

Locator: H. Franklin.

Date: Nov. 5, 1881.

Filed and recorded: Nov. 5, 1881.

Claim: 1000 inches of the East branch of the South
Branch of Gold Creek.

Place of intended use: Ice Gulch or any place at
the option of the locator.

Locator: Charles Hinkee.

Date: Nov. 8, 1881.

Filed and recorded: Nov. 8, 1881.

Claim: 500 inches of water of Ice Gulch.

Locator: M. Powers.

Date: Nov. 7, 1881.

Filed and recorded: Nov. 9, 1881.

Claim: 600 inches of water at stake above Coopers
ditch, Paris Creek, left hand side going up.

Place of intended use: Powers claim and others.

[2173]

Locators: John McKennon and M. H. Gibbons.

Date: Nov. 7, 1881.

Filed and recorded: Nov. 15, 1881.

Claim: 300 inches of water of "this stream"; Doug-
las Island.

Locator: John Dix.

"Located" Nov. 17, 1881.

Filed and recorded: Nov. 17, 1881.

Claim: 1000 inches of Summit Gulch.

Place of intended use: Specimen Gulch and neigh-
boring gulches and for
sale and private use along
line of ditch.

Page 81

Locator: Robt. Dunn, Evan Williams and John
Cranston.

Date: Nov. 22, 1881.

Filed and recorded: Feb. 8, 1882.

Claim: 300 inches of water from Snow Slide Gulch.

[In margin:] "Omitted from Exhibit."

Page 81

Locator: S. Lewis.

Date: Jan. 29, 1882.

Filed and recorded: Feb. 9, 1882.

Claim: "200 inches of water to be taken out at or
near the head and near the Northwestern
corner stake of the Mexican Mine."

Place of intended use: Mexican and Julian Quartz
Locations, Douglas Is-
land.

Page 85

Locators: Sam Roy & Co.

"Located" Mar. 24, 1882.

Filed and recorded: Mar. 25, 1882.

Claim: 800 inches of water from Ready Bullion
Creek.

Place of intended use: Blue Leade Gulch Claim.

[2174]

Page 87

Locators: John Jackson and Marion Thomas.

"Located" April 8, 1882.

Filed and recorded: April 8, 1882.

Claim: 400 inches of water from Bear Creek, Douglas Island.

Page 94

Locator: Walter Pierce.

Date: April 18, 1882.

Filed and recorded: April 18, 1882.

Claim: 600 miners inches of water from the East branch of Gold Creek.

Place of intended use: Specimen Gulch and vicinity.

Page 97

Locator: Jno. Dix.

"Located" May 8th, 1882.

Filed and recorded: May 14, 1882.

Claim: 500 miners inches of water of North East branch of Gold Creek.

Place of intended use: Specimen Gulch and vicinity.

Page 104

Locator: Edward Latour.

Dated: June 1, 1882.

Filed and recorded: June 3, 1882.

Claim: 100 inches of water of "this Ravine."

Place of intended use: Locator's placer claim situated near the head of Quartz Gulch.

Page 105

Locator: J. D. Sage Miller.

Located: June 8, 1882.

Filed and recorded: June 8, 1882.

Claim: All the water of the Jamestown Gulch.

Page 106

Locator: John Jackson.

“Located” June 8, 1882.

Filed and recorded: June 9, 1882. [2175]

Filed and recorded: Oct. 12, 1886.

Claim: 50 inches of water from third tributary
South of East fork of Park Creek.

Place of intended use: Republican placer and other
mining claims.

Page 74

Locators: A. T. Ellis, J. G. Heid and J. C. Smith.

Date omitted.

Posted: Aug. 22, 1886.

Filed and recorded: Oct. 12, 1886.

Claim: 50 inches of water from second tributary of
East fork of Park Creek North of sd East
fork.

Place of intended use: Republican Placer and other
mining claims.

[In margins:] “Omitted.” “Outside Dist.”

Page 75

Locators: A. T. Ellis, J. G. Heid and J. G. Smith.

Date omitted.

Filed and recorded: Oct. 12, 1886.

Posted: Aug. 22, 1886.

Claim: 100 inches of water from third tributary of
the East fork of Park Creek North of said
East fork.

Place of intended use: Republican Placer and other
mining claims.

[In margins:] "Omitted." "Outside Dist."

Page 76

Locators: A. T. Ellis, J. G. Heid and J. G. Smith.

Date omitted.

Posted: Aug. 22, 1886.

Filed and recorded: Oct. 12, 1886.

Claim: 25 inches of water from fourth tributary of
East fork of Park Creek North of sd East
fork.

Place of intended use: Republican placer and other
mining claims.

[In margins:] "Omitted." "Outside Dist."

[2176]

Page 77

Locators: A. T. Ellis, J. G. Heid and J. G. Smith.

Date omitted.

Filed and recorded: Oct. 12, 1886.

Posted: Aug. 26, 1886.

Claim: 100 inches of water from third creek North
of Yankee Basin.

Place of intended use: Republican placer and other
mining claims.

[In margins:] "Omitted." "Outside Dist."

Page 78

Locators: A. T. Ellis, J. G. Heid and J. G. Smith.

Date omitted.

Filed and recorded: Oct. 12, 1886.

Posted: Aug. 26, 1886.

Claim: 100 inches of water from second creek North
of Yankee Basin.

Place of intended use: Republican placer claim and
other mining claims.

[In margins:] "Omitted." "Outside Dist."

Page 79

Locators: A. T. Ellis, J. G. Heid and J. G. Smith.

Date omitted.

Filed and recorded: Oct. 12, 1886.

Posted: Aug. 26, 1886.

Claim: 25 inches of water from first creek North of
Yankee Basin.

Place of intended use: Republican placer claim and
other mining claims.

[In margins:] "Omitted." "Outside Dist."

Locators: George Beaumont and Herbert Adams.

Date omitted.

Posted: Dec. 22, 1886.

Filed and recorded: Jan. 10, 1887.

Claim: 500 inches of water from branch of Bear
Creek, Douglas Island.

Place of intended use: Albion Quartz lode. [2177]

Locators: S. Lewis, Phil Starr, by J. H. McCormick,

Date: Nov. 23, 1886.

Filed and recorded: Jan. 31, 1887.

Claim: 1000 inches of "water running in this creek."

Place of intended use: Alaska Quartz mining loca-
tion.

Locators: Frank Mahony and George Beaumont.

Date: Feb. 17, 1887.

Filed and recorded: Feb. 17, 1887.

Claim: all the water of Fals Creek.

Place of intended use: Albion, Redy Bullion No. 2
and Great Western Quartz
Locations.

Locator: R. G. Willoughby.

Date: Nov. 10, 1886.

Filed and recorded: April 14, 1887.

Claim: "All the water running in the creek known formerly as Wild Goose Creek on West Side of Seamors Canall."

Place of intended use: Bigg Missouriia Lode.

[In margins:] "Omitted." "Outside Dist."

Locators: L. Nado and H. Head.

Date: April 18, 1887.

Filed and recorded: April 18, 1887.

Claim: All the waters of creek "situated 2½ miles South East of Juneau on the North East shore of Gastineaux Chanel and running North and South on Sheep Creek Mountain about ½ mile south of the ranch owned by one Albert Fortier."

Place of intended use: 1887 lode.

Locators: John Prior, Peter Wyborg, Thos. Smith and John Olds.

"Located" April 17, 1887.

Filed and recorded: April 23, 1887.

Claim: 500 inches of water of Boulder Creek emptying into Berners Bay on the Southeast Side about 300 ft. from the discovery shaft

and notice of the Berners Bay Quartz location.

[In margins:] "Omitted." "Outside Dist."

[2178]

Page 86

Locators: John Prior, Peter Wyborg and Thos. Smith and John Olds.

"Located" April 17, 1887.

Filed and recorded: April 23, 1887.

Claim: 700 inches of water of Duck Creek, which empties into Berners Bay on the South East side about $\frac{1}{4}$ mile in a North Easterly direction from the discovery stake and notice of the Berners Bay Quartz location.

[In margins:] "Omitted." "Outside Dist."

Page 87

Locator: N. L. Lenham, Trustee.

Date: April 23, 1887.

Filed and recorded: April 23, 1887.

Claim: All the water flowing in Bullion Creek.

Place of intended use: Mineral King, the extension of the Delta and the Occidental lode claims, Douglas Island.

Page 88

Locator: Bob Dunn.

Date omitted.

Filed and recorded: May 13, 1887.

Claim: 300 inches of water under the falls on Ice Gulch, Silver Bow Basin.

Page 90

Locators: Patrick McGlinchey and Thomas J. McCully.

Date: May 27, 1887.

Filed and recorded: May 27, 1887.

Posted: May 10, 1887.

Claim: 2000 miners inches of water from Salmon Creek.

Place of intended use: Early Bird mining claim.

[In margins:] "Omitted."

Page 91

Locators: William McLernon, D. H. Foley, L. L. Williams and P. S. Weittenheller.

"Located" June 4, 1887.

Filed and recorded: June 18, 1887.

Claim: "All the water in this creek," situated on Douglas Island and runs through the Grand View and Extension thereof in an Easterly direction from point of location, which point is about 2600 feet from beach.

Place of intended use: Grand View and Extension thereof. [2179]

Locators: A. Ware, R. C. Willoughby.

Page 91

Date: May 27, 1887.

Filed and recorded: June 24, 1887.

Claim: All the water running in Lightning Creek.

Place of intended use: The Valajo and Lowhee quartz locations.

[In margins:] "Omitted." "Outside Dist."

Locators: Pat McGlinchey and Chas. Forrest.

"Located" May 5th, 1887.

Date: May 24, 1887.

Filed and recorded: June 24, 1887.

Claim: 1000 inches of water from Fall or Nevada
Creek, Douglas Island.

Locators: M. J. Cohen, H. Mellish, O. Wallin, Ed.
Moran and J. H. McFarlane.

"Located" June 15, 1887.

Filed and recorded: June 25, 1887.

Claim: All the water of 1st Moran Gulch.

Locators: M. J. Cohen, O. Wallin, Henry Mellish
Ed. Moran and J. H. McFarlane.

"Located" June 15, 1887.

Filed and recorded: June 25, 1887.

Claim: all the water of Wallin Creek.

Locators: C. L. Brown, A. J. Guild and Henry
States.

"Located" July 14, 1887.

Filed and recorded: July 15, 1887.

Claim: 2000 inches of water of Cascade Creek.

[In margins:] "Omitted." "Outside Dist."

24